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# An Assessment of the Political and Legal Career of Robert Price

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## ABSTRACT

After qualifying as a barrister, Robert Price entered the service of the Council in the Marches at Ludlow where he came to the notice of the Duke of Beaufort. The Duke placed him as his agent in extending royal control in several borderland municipalities and gained admission for him into Court circles under James II. His career was blighted by the Revolution and, expecting few favours from William III, Price concentrated on his parliamentary activities. Reared in the Tory tradition of loyalism, he now had to adjust with the party to a role in opposition in becoming the 'Country party'. He was active in support of 'Country' men and measures under Robert Harley's leadership whom he supported both in his own locality and in Parliament. He was gratified by Harley's overtures to the Tories which he promoted and which emanated in the 'New Country Party'. Though always a diligent parliamentarian, Price only came into prominence when he led a campaign against the grant by William III of two Denbighshire lordships to the Earl of Portland which culminated in a memorable speech in the House of Commons. Price skilfully elevated a local grievance into an issue of national significance which enabled him to launch an attack on King William's policies on all fronts and was effective in stopping the grant. Price emerged as the foremost spokesman for Wales in Parliament at a crucial time in its history following the abolition of the Council in the Marches which had governed it for a century and half. To make the necessary adjustments, William III's parliaments had to undertake an unprecedented amount of legislation relating to Wales not seen since Henry VIII's time and Robert Price's legal knowledge and expertise was drawn upon for the purpose. He subscribed to the 'old

constitutional school' of Toryism which he helped to shape and which was to characterise Welsh Toryism for a century in its vigilance against the growth of executive power.

## Abbreviations

BBCS	Bulletin of the Board of Celtic Studies
BIHR	Bulletin of the Institute of Historical Research
BL[Jnl.]	British Library [Journal]
CSPD	Calendar of State Papers, Domestic series
Cal.Tr.Bks./Papers	Calendar of Treasury Books/Papers
CJ	Journal of the House of Commons
EHR	English Historical Review
Econ.H.R.	Economic History Review
Henning	History of Parliament: The House of Commons, 1660-90, 3 vols. ed. by B.D. Henning, 1983
Herefs./Glos.R.O.	Herefordshire/Gloucestershire Record Office
HJ	Historical Journal
HR	Historical Research
Hunt.Lib.Qtly	Huntington Library Quarterly
J.Br.St.	Journal of British Studies
JMH	Journal of Modern History
NLW[Jnl.]	National Library of Wales [Journal]
Tr.Cymm.Soc.	Transactions of the Cymmrodorion Society
Tr.Denbs.H.S.	Transactions of the Denbighshire Historical Society
WHR	Welsh History Review



## **Conventions**

Spelling and punctuation have been modernised in the quotations.

Dates are as stated in the sources assuming the year started 25th March. Otherwise 1 January is taken as the year's commencement.

Books are deemed to have been printed in London unless otherwise stated.

## **1. Introduction**

(Full titles of the references are included in the Bibliography.)

The end of the seventeenth century is represented in Welsh historiography by long general histories which provide little detailed study of any aspects of the period. This review starts with an assessment of existing literature for the purpose of this thesis before proceeding to the primary sources to which one has to turn to supply the lack of secondary sources. Thereafter, as Robert Price merged into the English political scene, relevant English secondary literature has been considered in relation to his career.

A.H. Dodd, in his Studies in Stuart Wales, 1971, is much more heavily weighted on the early than the later Stuart period while G.H. Jenkins's volume in the Oxford History of Wales, The Foundations of Modern Wales 1642-1780, 1987, is less authoritative on the political than upon the social and cultural aspects of the period. These are even more comprehensively treated in his Literature, Religion and Society, 1660-1730, 1978, which together provide an admirable background to events of the period. P.D.G. Thomas has studied politics at county level in a series of articles which are more weighted towards the eighteenth than late seventeenth centuries.<sup>1</sup> Philip Jenkins in his The Making of a Ruling Class: the Glamorgan Gentry, 1640-1790, 1988, has opened up many lines of inquiry which can be related to other Welsh counties. His claim of uniqueness for Glamorgan among Welsh counties for the wealth of its gentry class cannot be sustained if we compare it with the counties of

Denbigh and Flint which were the location of the Portland grant, which is the crux of this study. His analysis of demographic change and its effect on social classes, however, is illuminating but the Glamorgan experience is not replicated in Denbighshire. Though two prominent family estates passed by marriage to Englishmen, the political equilibrium was not disturbed and the vigorous protest which involved both major and minor gentry shows that they were far from effete or likely to give way to a professional class as in Glamorgan. The emergence of large territorial units by the absorption of small estates is a phenomenon common to most Welsh counties and undoubtedly contributed to the apprehensions of the north-east Wales gentry when threatened by an alien predator.

After the reign of Charles II, Professor Dodd did not believe that there were any issues which united Welsh MPs in their parliamentary conduct as, for example, the importation of Irish cattle had done, which caused them to take concerted action. He thereby ignored the cause célèbre which is a subject of this inquiry, which not only united Welsh Members behind Robert Price but also won the overwhelming support of English Members as well. Though English Members could detect a threat to property in a general way, the Crown estates' identification with the Principate made it a uniquely Welsh affair. Not till the nineteenth century was Wales to attract as much attention in Parliament. The Portland grant confirmed Welsh MPs in their suspicion of the executive power which was further reflected in their consistent opposition to Court measures along with their English Country colleagues. This episode

merits a study, therefore, for the light it throws on the evolution of Welsh party politics. It also had the effect of augmenting the prestige of Robert Price who, from being a House of Commons drudge, became an effective leader in opposition.

Studies in the Crown estate in Wales have been made for an earlier period by Madelaine Gray, S.L. Adams, D. Pratt, and H.J. Habakkuk,<sup>2</sup> but the post- 1660 period has not been investigated. Francis Jones in The Princes and Principality of Wales 1969, refers to the Portland grant but only in the context of the Prince of Wales's income. Crown estate administration was characterised by neglect until attention was focussed upon the Denbighshire lordships in 1696 by a grant to a royal favourite by a foreign and unpopular king. It fell to Robert Price as the 'Member for Wales' of his day to lead the protest against it.

Robert Price's career spans a critical period in the history of Wales when, as an outcome of the Revolution Settlement, the Council in the Marches, the last of the prerogative courts, was abolished together with its Court, thus destroying a symbol of the separate identity of Wales. Why its abolition was accepted with but little protest and what adjustments became necessary will appear in a consideration of Price's career. After 1688, the House of Commons assumed an added significance as the only venue where the affairs of Wales could be discussed and so the Portland grant became an issue in English politics as well.

It was a period when Welsh MPs had to adapt to English party politics and Robert Price's career is characteristic of that of many Welsh politicians. Brought up in the tradition of loyalty to the Crown which was enjoined by Anglican doctrine, their credibility was shattered by the Revolution of 1688. Like Price, the majority of Welsh MPs supported 'Country measures' in opposition and a distrust of the growing power of the executive became a characteristic of their Toryism well into the eighteenth century.

No studies of the professions in Wales exist and though the law enjoyed the highest prestige, studies of Welsh lawyers are inadequate. What legal studies have been made are related to courts of law and legal procedure more than to lawyers. Even so, those date back to 1899 and 1916 though W.R. Williams has appended lives of Welsh judges to the 1899 volume. R.L. Lloyd's study of the 'Masters of the Bench of the Inner Temple' is more of a biographical outline than a study of legal careers.<sup>3</sup> The recent publication by the National Library of Wales of the records of the Court of Great Sessions<sup>4</sup> deals in its efficient introduction mainly with legal procedure and the nature of the cases that came before the Court rather than the persons who tried them. Robert Price's career which, though conventional for an English lawyer, is therefore of interest because it comes as near as can be to a complete picture of a Welsh lawyer from his schooling to his position as a judge.

Bodleian Library Carte MS 130, a bound volume of Robert Price's correspondence with the Duke of Beaufort from 1690 to 1699, is the foremost

primary source that has been used. The letters are in the form of newsletters which relate to political and parliamentary activities and have been used by several historians of the period and acknowledged to be a useful supplement to parliamentary diaries such as those of Anchitel Grey and Narcissus Luttrell. Henry Horwitz commends the detachment of the Carte letters but finds that in the number of speeches reported and in summarising their contents, Price's letters disappoint. Price set aside one night a week to the task of keeping the Duke abreast of political events. The letters give a fairly objective account of issues which were of most interest to the Country party in Parliament. He seldom alludes to his own activities but it is easily discernible that many of the opinions he attributes to Country Members were also his own. The leading role he played, for instance, in Country issues is discernible in the army disbandment debate when he formed a caucus of friends to publish a black list to discredit opponents. A long letter to the Duke gives the fullest account of the progress of the Portland grant and the campaign which he and his friends waged against it.

The papers of the Marquess of Bath at Longleat, read on microfilm in Cambridge University Library and referred to as the Thynne Papers, are mainly of interest in relation to Herefordshire politics but occasionally exhibit some Tory attitudes and antipathies.

Portland Loan 29 in the British Library (since incorporated into the Additional Manuscripts), contains correspondence between Price and the Harleys, much

of it not printed in the Historical Manuscripts Commission's ten volumes of Portland Manuscripts. Some of it relates to personal circumstances, much to Herefordshire politics and Price's role as one of Robert Harley's managers. Of particular interest is the light that is thrown on Robert Price's political activities after he was made a judge as he endeavoured to further Harley's interest in different parts of the country. Harley often consulted him and used him as a sounding-board, seeking his help, for instance, to dampen down ultra-Tory enthusiasm over the Occasional Conformity Bill in 1704.

The Portland Papers in Nottingham University Library have a few important letters bearing on the Portland grant and show the moderating influence of Lord Godolphin. These supplement the official record in the Calendar of Treasury Papers.

Several collections of family papers at the National Library of Wales have random letters by Robert Price. Those in the Plas yn Cefn collection are mainly of a personal nature. The Wynn of Wynnstay Papers contain among Sir William Williams' papers, a copy of the original grant in Latin that was made to the Earl of Portland. The Plas Power Papers, recently acquired by the Library and, as yet, unscheduled, throw light on Robert Price's later life as revealed in letters to his friend Miss Mary Myddelton. By the time this correspondence begins, Price had virtually ceased to be an active politician but he was still an observant commentator on the contemporary scene and reflects, for instance, the popular antipathy towards Walpole.

The Foxley Papers at Herefordshire Record Office contain a few electoral letters as well as estate papers which show how assiduous Robert Price had been in building up the estate. The Hereford City Records show how the Duke of Beaufort set about the task of reducing the Common Council to royal control. Similarly, the Gloucestershire Record Office collection of Gloucester Common Council Records reveal how James II used his dispensing powers to intrude Roman Catholics into offices and how Robert Price as town clerk was involved in the process.

The historiography of the post- Revolutionary period has been considerably enriched over the past quarter century, stimulated in part by the tercentenary celebrations. Much of it was triggered off by J.H. Plumb's seminal Ford lectures<sup>5</sup> which have been re-appraised and reinterpreted ever since. They have been largely qualified as, for example, by the symposium which met at Newcastle in 1980, when Geoffrey Holmes made a significant modification of the Plumb thesis. Plumb's work, however, has not suffered from the demolition that has been visited upon R.R. Walcott's thesis<sup>6</sup> where, on the basis of applying the Namier analysis to the last parliament of William III's reign and the first of Queen Anne's, he evolved a quadri-polar theory of politics to replace the bipartisan one commonly accepted. The most decisive demolition of the Walcott thesis was made by Dr. David Hayton who has dismissed the idea of a Country party as a formed opposition party and argues that it had no continued existence, only coming together when issues of common interest beckoned.<sup>7</sup> Dr. Hayton thus refutes Dennis Rubini's thesis



that the 1690s must be seen in terms of Court versus Country,<sup>8</sup> in which opinion he is supported by Henry Horwitz who asserts that the political struggle must be viewed in terms of Whig versus Tory but is only assured that this was the case after 1696.<sup>9</sup> It is significant in this context that Robert Price in his reports to the Duke of Beaufort rarely uses the labels Whig and Tory, usually referring to the opposition in terms of 'Country' as late as 1701, which replicates what L.K.J. Glassey found to be the case in Lancashire.<sup>10</sup> It is possible, indeed, to follow the evolution of Robert Harley's 'New Country Party' in Price's correspondence, for which Henry Horwitz has supplied a chronological background,<sup>11</sup> where Harley's rapprochement with Tories like Price's friend Francis Gwyn, laid the foundations of the Tory party of Queen Anne's reign.

The argument about the nature of political contention has largely turned around 'the rage of parties' whether expressed in terms of Court v Country or Whig v Tory. Burton, Riley and Rowlands<sup>12</sup> have proved the consistency of Members' votes in divisions whether they be Whig or Tory and confirm Horwitz's view of politics after 1696, Robert Price's votes being predictably Tory. This consistency was facilitated by the opposition, which consisted mainly of Tories and 'Old Whig' followers of Harley and Foley, concentrating on 'Country measures' which appealed to country gentlemen, sometimes even to Court Whigs. W.A. Speck<sup>13</sup> has shown that the nature of politics in the constituencies was no different from what it was in Parliament but the 'rage of party' varied from one constituency to the other. Philip Jenkins has noted its

moderation in Glamorganshire though his argument that Monmouthshire was a similar case is less convincing.<sup>14</sup> Edward Rowlands has shown that in Radnorshire, the Harleys had to contend with another Whig faction led by Sir Rowland Gwynne who also succeeded in building up a rival interest to them in Herefordshire.<sup>15</sup> They did not succeed in undermining Harley influence which was usually exercised on the side of moderation in local as in national politics and Robert Harley was very peeved in 1701 when he learnt of 'a game of opposition' against him. Rowlands did not consult Bodleian Carte MS 130 and so has not considered the role played by Robert Price in the management of local politics.

T.K. Moore and Henry Horwitz<sup>16</sup> have constructed a model from which Members' parliamentary activity can be measured and from which it appears that Robert Price was an exemplary parliamentarian. David Hayton<sup>17</sup> has commented upon the moral fervour which was characteristic of 'Country' Members but has not included Robert Price in their number. It is argued here that this is without justification. He exhibited all the attitudes which were characteristic of High Church Tories, particularly his patronage and support of the S.P.C.K. charity schools in Wales. Dr. Hayton also develops the theme first broached by Angus McInnes of the puritanical streak in the language and opinions of the Harleys. Whether chameleon-like or genuinely so, Robert Price could use the same tone of language notably in his letters to old Sir Edward Harley.

It is a cliché to state that Robert Price lived through a period of change but, insofar as the law was concerned, it was more true of this period than most. He was a student when legal education at the Inns of Court underwent great change and legal judgements delivered in courts were evolving more towards case law based on precedent than upon the arbitrary decision of individual judges. Judges too were becoming more independent of the executive after 1688 once their tenure had been established as during good conduct rather than royal pleasure. Legal studies of the late seventeenth and early eighteenth centuries are now so numerous that samples only can be given of work by Baker, Prest, Lucas, Lemmings, Brooke et al.,<sup>18</sup> which have informed the discussion on Price's legal career.

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## **2. Early Life and Education**

Robert Price was descended from the multi-branched Price family of Plas Iolyn, Denbighshire, which had achieved some prominence in the sixteenth century.<sup>1</sup> It had benefited from royal service by the acquisition of monastic lands and Church advowsons which enabled four descendants to build up minor estates in the commote of Is Dulas in the western part of Denbighshire, known as Hiraethog, of which Giler was one. There, about 1560, the founder of that branch, Rhys Wynn (d.1607), had built a house in the traditional Welsh style which was enlarged by his son, Thomas Wynn Price, with a gate-house added, dated 1623.<sup>2</sup> This was a symbol of social attainment, Thomas Wynn Price being the first of the family to attain to the dignity of High Sheriff in 1624.

The Prices of Giler were among the numerous lesser gentry families of the county whose income fell into the £500-£1,000 a year range.<sup>3</sup> The Denbighshire gentry compared favourably with those of Glamorganshire for wealth, some twelve families falling into the £1,000 plus a year bracket, but until the time of Robert Price II, the Giler family was not in that league. Their income was derived from farming their land, mainly cattle-rearing, which left them with an inelastic and somewhat precarious income. There are no records to indicate what income they derived from rents but it could only have been a minor source. The family probably suffered losses during the Civil War when the cattle-trade was disrupted and income from tithe appropriations dried up.

The status of the family within the county was somewhat enhanced by Thomas Wynn Price's son, Robert I, who married the daughter of the neighbouring squire of Dulasau. It is significant of the status of the Prices that Robert did not look very far for a bride nor for one from a higher social class. During the Civil War, Robert sided with the king, but his conduct throughout was equivocal. He and a cousin avoided giving Lord Capel, the local royalist commander, the logistical help he required and the fact that Robert avoided sequestration suggests that he compromised with the local parliamentary committees. He also became High Sheriff in 1658 when the minor gentry virtually took over local government in most counties. His conduct in that office appears to have had one objective - of gaining the good opinion of the natural leaders of the county - the greater gentry, which would help further his aspirations. He overplayed his hand, however, in 1661 at the time of the election to the Cavalier Parliament, when with his son Thomas, he sought to create a rival interest to the Myddeltons of Chirk by trying to persuade Richard Wynn of Gwydir to oppose his brother-in-law, Thomas Myddelton. The attempt was abortive and, if Thomas Price had pretensions to stand as a candidate himself, he could not have expected any countenance from the leading gentry families. Robert Price I's only mark of honour after 1660 was to be made deputy-lieutenant by Lord Carbery whom he addressed as his 'kinsman'.

Whatever family aspirations Robert I had, received a set-back when his son, Thomas, died before him in 1668. Thomas had also contracted a local

marriage into a family of comparable standing, the Wynnes of Maesybeudy, which estate in due course fell to the Prices. Curll, Robert Price II's biographer, says that Margaret Wynne brought with her a substantial dowry but even allowing for the fact that her father sported the title 'esquire', 'substantial' can only be interpreted in relative terms to Denbighshire incomes. Margaret Wynne's assets were not to be measured in monetary terms, however, since she turned out to be a purposeful and resolute woman who took upon herself the management of her family's affairs after her husband Thomas died in 1668 and her father-in-law, Robert I, died in 1670, leaving her to bring up eight children.

Robert was the eldest son, born 14 January 1653-4 according to Curll, which coincides with the dates on a commemoration tablet in Yazor church.<sup>4</sup> His two brothers were apprenticed to trade in London where they became 'citizens and freemen', but one died early and the other failed in his business and had to be rescued by Robert. They were following a well-trodden path for the younger sons of gentry families and several Denbighshire families, notably the Myddeltons and the Cloughs had made vast fortunes in trade.<sup>5</sup> The five daughters were successfully married off into local gentry families, four of them to husbands described as 'esquires' and one to a 'gentleman'. It was Robert, before his own marriage, who provided a portion for them and with their marriage the Giler estate was free of the need to make any settlement upon them. Margaret Price remained the chatelaine at Giler even when the estate devolved upon Robert in 1670 and she died there at a great age in 1723.



Robert went to great expense to erect an elaborate memorial to her in the Giler chapel at Cerrig y Drudion church as a final act of filial piety. He maintained the Giler estate as an absentee landlord, putting in a nephew as a steward but there is only one recorded attempt by him to add to it, his investment capital being directed to his Herefordshire estate. However, his Giler estate conferred on him the rank of 'esquire' which was a useful handle in his later career.

Robert II was still a minor when his father and grandfather died but, as the eldest son, he had the prior claim on the family resources to be expended on his education. From early life he appears to have been singled out for the law and his uncle, Sir Richard Lloyd, Dulasau, a Great Sessions judge, was at hand to give advice.<sup>6</sup> Denbighshire did not lack role models of persons who had 'risen through the law', Sir William Williams, Sir John Trevor and Lord Jeffreys being the most conspicuous examples. In their cases, the law had not only secured for them lucrative careers but also an opening into court circles and political power.

Robert's early education must have started at home, probably at the hands of a local clergyman since, being monolingual Welsh, he needed some preparation for entering a grammar school. The choice of Wrexham school is enigmatical but is confirmed by Curll as well as by reputable local historians.<sup>7</sup> Its curriculum fell far short of the classical model offered at Ruthin and probably the school had to descend to teaching writing and English to monoglot Welsh

boys. The entry 'bred at Ruthin' in the registers of St. John's College, Cambridge, might indicate that Robert had attended that school long enough to qualify for a scholarship it offered along with Friars' School, Bangor, to boys from Denbighshire and Caernarfonshire to enter that College, but there is no confirmation of this. It is known that he passed on to Shrewsbury school, probably about 1668 following the usual path for many North Wales boys. He was probably about fourteen when he entered, that being near the median age and since he stayed there at least three years, he must have followed the full classical course. His near contemporaries there were the Powys boys, Thomas and Lyttelton, of Shropshire, both of Welsh descent.<sup>8</sup>

Robert Price entered St. John's, the Cambridge college most favoured by Welsh boys, in March 1672, by which time he was over eighteen, a riper age than that of many entrants. His social aspiration is marked by the fact that in the following September his social rank had been advanced to that of 'fellow commoner'. He only stayed for a year and left without a degree, which was not unusual especially for students bound for the Inns of Court. This begs the question why he went there at all because the Common Law was not taught there. Evident benefits he could have derived was the perfection of his Latin, useful in the law for reading writs and statutes, and an acquisition of French in which language pleadings in court were couched. A grounding in logic and rhetoric was not misplaced either. The traditional connection between law and learning was still alive and there was a greater atmosphere of culture at the universities than at the Inns of Court.<sup>9</sup> The tutorial system was also a

valuable training since Price had to rely on his own resources more than upon instruction when he entered an Inn.

Robert Price entered Lincoln's Inn in May 1673 when he was about twenty years old. By that time the great increase in admission numbers which had followed the Restoration was beginning to decline. The Inns still endeavoured to keep up the fiction of being schools for the gentry but many students were not destined for the law as a career and merely used the Inns as social clubs, but they were still useful places to make social connections.<sup>10</sup>

The fact that Robert Price had a sufficient landed estate to rank as 'esquire' was a great social advantage and that class of students was still the most numerous, though declining, but as yet there were no obvious signs of 'a flight from the law' amongst the upper classes.<sup>11</sup> He was also an eldest son and they still comprised some 65 per cent of the intake of Lincoln's Inn down to the 1690s and outnumbered younger sons. The social mix was already becoming more diversified as students of the rank of 'gentleman' and below became the next most numerous class after that of 'esquires'. Some 50 per cent of esquires had received some university education though few had taken a degree, but this was already considered an asset for entry into government and the Court,<sup>12</sup> as Robert Price realised.

By the 1670s when Robert Price was a student, the annual cost at Lincoln's Inn amounted to an average of £70-80 a year. What allowance was made to him by his mother is not known but George Jeffreys, in similar circumstances,

had to make do with £40 a year. Taking all disbursements into account, a complete law course could cost over £1,000, naturally varying according to a student's life-style.<sup>13</sup>

Education at the Inns was undergoing a period of transition when Robert Price entered, as formal teaching was already in decline. Readings were not regularly held and came to an end at Lincoln's Inn in 1677 due to opposition from the senior members who resented the trouble and the loss of income they suffered and the feasts which accompanied them were also abandoned; attempts to revive readings proved abortive.<sup>14</sup> Moots, in which inner and utter- barristers disputed were also abandoned but informal discussion continued among students following the Earl of Nottingham's precept, 'Study all morning, talk all afternoon'. A serious student would also spend much time attending courts, especially Common Pleas.<sup>15</sup> Students were thus thrown on their own resources as oral learning gave way to books. Publication of law books, especially in English, was on the increase and came nearer to the aim of 'common learning' than the moots and readings ever achieved.<sup>16</sup> Lincoln's Inn also had the best library of the four Inns.

The fortunate survival of Robert Price's Commonplace Book in St. John's College library, Oxford, sheds a great deal of light upon his legal studies. It is in the form of two leather-bound ledgers of 525 and 518 pages, though many of the pages are blank. The two volumes were bought for £1.6s we are told on page one. The compilation starts on 10 April 1676 which would be at the

beginning of his fourth year by which time he would have mastered the forms of writs and pleadings and was familiar with legal terms and abbreviations. The first entry was a well-known aphorism about the regimen he should aspire to follow:

'To sleep six hours, allot to the Law twice three,  
Four to your prayers, two to your feasts may be,  
& what remains to ye Muse Divine'.

The pages were separately numbered in each volume and the first book on page one was divided into two columns, the left-hand one headed 'Books cited for Antiquity and discoursed of'. The works cited are mainly medieval texts, more of historical interest than of practical use to a modern lawyer. Glanvil's Institutes was a twelfth-century Latin work which had the reputation of being the first classical text-book of English law dealing mainly with land law and procedure. Two entries were entitled 'Black Book Excheq[uer]s', related to feudal tenures and 'Black Book of ye Admiralty' to maritime law.<sup>17</sup>

The right-hand column is headed 'The names of ye Bookes, there language and edition or Impression', under which eight titles appear. These works were the tools of the trade of a contemporary lawyer, unlike the antiquarian works. First mentioned, and of foremost importance was [Sir Anthony] Fitzherbert's Novell Natura Brevium, (French), 1567, which was a collection of, and commentary upon, writs.<sup>18</sup> Coke described it as 'the most necessary and of greatest authority and excellence' and Mathew Hale recommended it as the starting point for a student. It was a companion to Novae Narrationes which Price had included in his works of antiquity and which dealt with pleadings.

The second entry[?] Visil, Natura Brevium, (French), 1566, also dealt with writs but it is an obscure title. The third work is Registrum Omnia Breviatum Originalia Quam Judicialum, (Latin), 1553, which was a practical register of writs first compiled by Glanvil.

Entries 4-8 inclusive, relate to Sir Edward Coke's Institutes, regarded as the first attempt to make a complete exposition of English law.<sup>19</sup> The First Institute is 'Cooke upon Littleton' which was almost a phrase by phrase commentary on Littleton's Tenures relating to the common law on land tenures, published in 1628 and had ran to seven editions by 1670. Described by Coke as 'a work of absolute perfection in his kind', references to it in Price's index abound. The second part of the Institutes is described as 'An Exposition upon the Statutes', (English), 1642; the third 'being of ye pleas of the Crown', (English), 1648, relates to the criminal law. The fourth part concerns the 'Jurisdiction of Courts', (English), 1648, whilst the last entry in this column is 'Animadversions on ye Cooke's 4th Institute with Prynn', 1668, which is unidentified. Whether this constituted the whole of Price's library and whether it was typical of a contemporary student's library cannot be determined since there are so few records to compare with. Any additional needs he might have had were probably supplied by the library of his Inn.

The Commonplace Book also tells us something about his method of working. Price describes it as 'A Common Place Booke of ye Law alphabetically digested, where under proper titles are couched most of ye useful & intricate

cases of ye Bookes, Le Table & thence directed to ye place'. Page two is headed, 'Le Table des General Titles Continue en c'est livre', which is an index alphabetically arranged with page references to the entries in the Commonplace Book running as far as page seven. The entries are under legal titles, mainly in law-French, e.g., 'abatement del terre', 'accessory'; they are further analysed into sub-titles and references, four sub-headings appearing, for instance under 'warrant'.

After page seven, Price starts a fresh pagination for the alphabetically-ordered titles at the head of each page. The pages are divided into columns, a narrow one on the left containing sub-headings of the entry at the top of the page and the broad right-hand column containing the authorities relevant to them. 'Actions sur Case' runs from page 21 to page 126, but only five pages have entries, the intention being to add to them in cumulative fashion. The second volume begins, 'Le 2<sup>d</sup> Pars de mon Common Booke de la Ley Continue ad letter F', pagination starting afresh. Some of the entries might be indicative of Price's particular interests, as in the law of property where 'Forest, Parke or Chase' are heavily annotated. There are fifteen pages of entries under 'Praerogative le Roy'.

On page 480 appears an entry under 'Wales' which signifies an early interest in the government of the Principality in which subject he acquired some expertise. Subjects mentioned are gavelkind, Courts marcher, Clause 34, Henry VIII, c.26 (the second Act of Union of England and Wales), judges'

patents, customs of Wales and records. Surprisingly the works of John Doddridge, George Owen and, more recently, Rice Vaughan, on the government of Wales, are not included. Price's expertise in this field was to be drawn upon extensively when the Court and Council in the Marches were abolished in 1689.

Calls to the Bar increased after 1660 but, as a number who were called never practised, competition did not significantly increase to the extent that the volume of business did. In 1672, the number of years in attendance at the Inns was reduced from seven to five. Robert Price was called in July 1679, but he had spent the last two years on the Grand Tour, so that his actual period of residence was little more than four years, as Foss confirms.<sup>20</sup> He started his career at a very propitious time when pressure of numbers was not acute in an expanding economy.

Having completed his studies at age 24, Robert Price set out on the Grand Tour in 1677, having two years to spend before he qualified to practise in the Westminster courts. His biographer Curll, like Foss, is at pains to emphasize that he went with a noble company which suited his purpose of cultivating social connections and of acquiring the graces which would prepare him for service at Court or in diplomacy. The cost, which could have amounted to anything between £500 and £1,000 according to one's style of living, must have been borne by his estate and, though naturally frugal, Price would have endeavoured to keep up with his aristocratic companions. He spent some time



in France and while at Blois took the opportunity to improve his French. He went on to Italy and had the misfortune to be arrested at Rome on suspicion of having a heretical Protestant Bible in his possession. This was no other than Coke's Commentary on Littleton which he had taken with him to keep up his legal studies and which he presented to the Vatican library when his explanation was accepted.<sup>21</sup>

Price must have been back in England by March or April 1679 and the indications are that he turned towards Ludlow, the seat of the Council in the Marches, to seek a career. It was there that he came to the notice of the Marquis of Worcester, the Lord President. He also met Lucy Rodd, the daughter and co-heiress of Robert Rodd (d.1681) of Foxley, a member of Gray's Inn, though it is not known if he was a practising barrister. Judging by the date of birth of Price's first child, Lucy must have conceived about April 1679; though a marriage might have already been arranged, it was unusual for a barrister to marry before a call to the Bar which came to Price in July 1679.<sup>22</sup>

On 23 September 1679, Robert Price married Lucy Rodd at Yazor church, conferring on him her share in the Rodd estate which the family had steadily accumulated around the manor of Foxley by buying up small estates from impecunious squires. As the family was listed by Blome<sup>23</sup> as 'of the nobility and gentry of the county', his marriage, though it did not add to his social status, admitted him to the ranks of county society and a role in the civic

affairs of Hereford city in which the Rodds had figured. Family connections brought him some local business and the connection with the Hampshire Neale family through Lucy's mother, even involved Price in the affairs of Thomas Neale, 'the great projector'. As Price's was very likely a 'shot-gun' marriage, one wonders what element of deliberation lay behind it since, apart from additional capital, it did not enhance his career prospects in any degree. Curll is emphatic that it was an advantageous connection which brought him a dowry of £13,000<sup>24</sup> which enabled him two years later to buy out his wife's co-heiresses on their father's death.

Two sons and a daughter were born to the Prices. Thomas (born 16 January 1680), the eldest son, was educated at Westminster before being entered at St. John's College, Cambridge, at a higher social status than his father had been entered at. Daughter Lucy was born on 23 December 1681 and was to marry her cousin, Bamfylde Rodd, in 1702, who owned an estate in Devon as well as Rodd property in Herefordshire. Their second son, named Uvedale Tomkyns (b. 17 September 1685) after the family which had once owned Foxley manor, was entered first at Charterhouse, and then at St. Paul's before St. John's College, Cambridge, followed by Lincoln's Inn, thus following in his father's footsteps. By marrying the daughter of Lord Arthur Somerset, the youngest son of the first Duke of Beaufort, he perpetuated a relationship with a family with which Robert Price had had close connections till the Duke's death in 1700. When the boys entered their schools in London, they were under the

eye of their father who, after 1690, had a practice there as well as attending Parliament.

In 1690, the Prices' marriage broke down when his wife Lucy eloped with her cousin, Thomas Neale, the Groom Porter's son, who begot a child by her. Robert Price sued him for damages in the sum of £10,000 in the Court of Common Pleas, but was only awarded £1,500.<sup>25</sup> A separation was effected, a settlement of £100 a year being made upon Lucy in place of any claim for dower she might make upon the estate.<sup>26</sup> 'In consideration of the natural love and affection which they respectively bore to their children', a sum of £80 a year was settled on Thomas, the eldest, and £40 a year on Uvedale, the youngest. Daughter Lucy was to have a portion of £1,500 on her marriage, plus an annual allowance. It appears that Price's aim in this settlement was to secure the estate for his eldest son and to ensure a portion for his younger children, since the estate had grown by acquisition to about 3,575 acres which was considerably larger than what it was on Price's marriage.<sup>27</sup> The only major item of expense other than property buying Price indulged in was the building of a new house in the classical style at Foxley in 1717.

Price's plans for his family were dashed in 1706 when his son Thomas was murdered at Genoa whilst on the Grand Tour.<sup>28</sup> He had corresponded with all the members of his family including his mother whilst abroad which indicates that family relations had not been severed.<sup>29</sup> The breakdown of his marriage and the loss of his son were a great affliction to Robert Price as he confided to

his friend Bishop Humphreys; his aspirations of founding a political dynasty were also dashed after he had yielded his Weobley seat to Thomas. The greatest benefit which his marriage had brought him probably was the political interest of the family in the borough of Weobley which had once belonged to the Tomkyns family which had provided Members of Parliament on two occasions post- 1660.<sup>30</sup>

Evidence of Robert Price's employment at Ludlow is largely circumstantial. The Court of the Council was serviced by a small group of 'counsellors at the Bar' who came under the close scrutiny of the Lord President, into which Price might have gained access. It is certain that he became a member of the Council in 1686; its functions by then were considerably diminished since the Duke of Beaufort (created 1682) as Lord President conducted a much more personalised style of government.<sup>31</sup> His range of patronage was vast and in a situation where Englishmen enjoyed a considerable advantage over Welshmen, a young Welsh lawyer's natural ambition was to win his favour. In pursuit of his own aggrandisement, the Duke fell in readily with the late Stuart despotism and Robert Price became a compliant agent in the government of his extensive fiefdom, sharing with him a similarity of political outlook. The fact that he remained on friendly terms with the Duke till his death suggests that it was not mere submissiveness or sycophancy that caused him to confess that 'it has been one of the greatest blessings of my life to be known to your Grace and to have upon all occasions access to you and your countenance.'<sup>32</sup> Though he enjoyed the Duke's favour, it is very doubtful

whether Price was elevated to the role of King's Counsel at Ludlow as Curll, probably following Duncumb, suggests, and for which W.R. Williams finds no corroboration.<sup>33</sup> This was the highest legal office at Ludlow, for which age and experience hardly qualified Price as yet. More likely, that he was one of the four to six legal counsellors who were part of the Council at that time. The Court of the Council in the Marches had a concurrent jurisdiction with the Court of Great Sessions in Wales and since the latter's sessions were held outside the law terms, it was possible for a barrister who practised at Ludlow to supplement his income by riding its circuits. Robert Price practised in the south-east Wales circuit which, like Ludlow, was convenient from Foxley.

Price maintained the Rodd tradition of participation in the civic affairs of the city of Hereford at a time when gentry intrusion into the government of corporate towns was on the increase.<sup>34</sup> The Marquis of Worcester<sup>34a</sup> was the county's Lord Lieutenant and his hand may be detected in Price's growing role in the city's government when the Crown after 1680 was pursuing a policy of reducing corporations to royal control. There was a powerful Whig party in the Hereford corporation led by Paul Foley and the redoubtable Colonel John Birch and their removal was a necessary preliminary to the imposition of Crown control. The Tory leaders, Herbert Aubrey and William Gregory, succeeded in 1682 in browbeating the corporation into surrendering the city's charter and a new charter which granted the Crown powers of direct nomination to the Council brought the City under Tory control.<sup>35</sup> Worcester was appointed Recorder, or High Steward according to Duncumb, and four

prominent Tories were admitted as aldermen together with another three, Robert Price being one, into the Common Council.<sup>36</sup> Price was totally committed to the Tory cause and was implicated in all these measures, succeeding Thomas Geers, a local Tory barrister, as recorder in 1682. In June 1683, Price and Geers were admitted to the Council as aldermen by royal nomination. Foss has wrongly interpreted it as a compliment from the city fathers for their services. It seems that Price retained his recordership which was but a part-time appointment seldom worth more than £10 a year. Price's first encounter with Foley and Birch and their Harley allies was thus in the contention of local party politics and this was to have a bearing upon their future relationships.<sup>37</sup>

Robert Price's appointment as Recorder of New Radnor in 1683 owed less to Beaufort's patronage than to his local connections. It was but a small and poor borough and its main importance lay in the fact that it was one of five contributory boroughs which together returned a Burgess to Parliament; the fact that its corporation could admit freemen to the vote could be a crucial factor at an election. Political contention in Radnorshire was less a matter between Whig and Tory as between two rival Whig interests, the Harleys and Sir Rowland Gwynne. Though Robert Harley solicited Price's support in the election of 1689, he was unable to oblige, having a commitment to 'Cousin Williams', Richard Williams of Caebalfa, a member of an old Radnorshire family, and the most he could offer was his neutrality.<sup>38</sup> However, the Harley approach made Price well-disposed towards the family which was his

neighbour in Herefordshire and lined him up against a future adversary, Sir Rowland Gwynne. This was probably a reason why Price retained this insignificant recordership throughout his life.

Beaufort's hand is unmistakeable in Robert Price's appointment as Attorney-General of Glamorganshire in February 1684 and, as part of a programme of reorganisation and centralisation, in December he was made Attorney-General for the whole of South Wales on the deaths of two persons who held the office in the other five counties.<sup>39</sup> It was evident to all that Price was the willing tool of the Duke in projecting royal power in such tasks as the re-modelling of corporations like Brecon in 1686, and his activities were not everywhere favourably viewed. One commentator described him as 'a clever, rather unprincipled placeman in the tradition of his ancestor Dr. Ellis Price, and very partial to James II'. The remuneration was less than £10 a year but this was augmented by fees and the experience was useful in furthering his career in the law.

Until 1685, Price was but an actor on a local stage, largely by the grace of the Duke of Beaufort. 1685 marked a turning-point in his career. In the new reign he was appointed by James II as steward to the dowager Queen Catherine of Braganza, 'on account of his sentiments being regarded as loyal enough', according to Foss.<sup>40</sup> This was his introduction to Court life, in all probability on Beaufort's recommendation as one likely to meet the king's expectations. The duties were not onerous, as Catherine's estate was modest,

but how Price adapted himself to a Roman Catholic household as Roger North, the Queen's solicitor, did not, is a matter of interest. Whereas North was sufficiently well-connected by family to dispense with his post should he have wished, Price was not so happily placed, and the appointment was important to him for the connections he could make.

The towns of Bristol and Gloucester came within Beaufort's lieutenancy and the Monmouth Rebellion had shown their strategic importance. The royal policy of intruding country gentlemen into corporations after 1680 had brought Gloucester under the rule of the Tory gentry, who demonstrated their loyalty to James II on his accession.<sup>41</sup> When the Tories in Parliament failed the King in promoting his religious policy, however, the Tory domination in the boroughs was an embarrassment. Their elimination or emasculation was a necessary step to achieve his aim and this he did by intruding Roman Catholics and Dissenters into the Gloucester Common Council.<sup>42</sup> It was to effect this policy that Robert Price was appointed town-clerk of Gloucester on 28 September 1685 by royal nomination, thereby ousting John Powell, a local man and Tory loyalist.<sup>43</sup> A prominent Whig knight, Sir John Guise, was removed from the Council for disaffection and Catholics were installed as aldermen and even into the mayoralty, excepting them from the religious tests.<sup>44</sup> The King's intentions were made very clear when he visited a Catholic chapel on his visit to the city. It has been reckoned that of 177 orders passed by the Common Council since 1685, most of them were political in nature and, as town-clerk, Robert Price must have been responsible for executing



them.<sup>45</sup> The limitation of royal power was exposed, though, when preparations for a new parliament were set on foot in 1687 since, although the Council could be cajoled, the freeman electors could not.<sup>46</sup> The Council itself also showed more spirit when it instituted an enquiry into Sir John Guise's removal and John Powell initiated a Quo Warranto into his dismissal.<sup>47</sup> Whether this had anything to do with Price's resignation as town-clerk in July 1687, which appeared to have been voluntary, is not clear, but it saved him from having to take part in the preparations undertaken by the commission under Robert Brent to secure an amenable parliament. It is less likely that Price was showing disaffection than reflecting the apprehension which Beaufort was beginning to feel about the outcome of James's religious policy.

Price's appointment as steward of Shrewsbury under its new charter granted by James II in March 1685 was outside Beaufort's domain. As deputy to the Earl of Shrewsbury, his duties appear to be nebulous but, as 'our beloved Robert Price', he was a royal nominee and there to promote the King's measures.<sup>48</sup> Persons who gave unfavourable answers to the Three Questions in 1687 were removed and thirty new men drawn from amongst Whigs and Dissenters replaced them. Local government suffered great dislocation and James was obliged to restore the town's old charter, so that in January 1688 both the Earl Shrewsbury and Robert Price, along with some aldermen and councillors, were removed from office.<sup>49</sup> The Revolution of 1688 stripped Robert Price of all his legal and civic offices except the New Radnor

recordership and his association with James II's policy was to be a source of future embarrassment and an obstacle to further employment.

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### **3. The Weobley Constituency and Herefordshire Politics**

Six aristocratic families, mainly resident, formed the apex of Herefordshire society but they did not combine to form an aristocratic political interest and were content to share local power with a fairly numerous class of major gentry families whose wealth was comparable to their own. Below them was an even more numerous class of minor gentry, some of them in decline since before the Civil War, a process accelerated by sequestration, fines and taxation, which forced several families to sell their estates, thus creating an active land market. As landowners, the welfare of agriculture and its ancillary industries was of primary importance to them. Herefordshire's static economy was reflected in its anti-metropolitan politics which J.H. Plumb found characteristic of retarded economic areas like the Welsh Marches.<sup>1</sup> The Foleys were the only industrial entrepreneurs having made their money from ironmaking outside the county while the enterprises of the Harleys and Scudamores at home proved abortive.<sup>2</sup>

Robert Price's entry into Herefordshire society owed something to social contacts he made at Ludlow which introduced him to the Rodd family whose daughter Lucy he married. He acquired the modest Foxley estate with a long-standing political interest which had once belonged to the Tomkyns family. It was but one of many gentry families which had once participated in the county's parliamentary representation but had been forced out by adverse economic circumstances and the rising costs of elections. The representatives

thus were increasingly drawn from fewer families of superior wealth and a higher social status.<sup>3</sup>

Weobley was the smallest and least prestigious of the four Herefordshire constituencies but produced the most contested elections between 1690 and 1702. It tended to be treated as a convenience by candidates who could not get a seat elsewhere. During this period, six candidates came forward to contend for its two seats. As resident squires, Robert Price and the two named John Birch of Garnstone, were the only ones with a truly local interest. Viscount Weymouth, who had recently inherited as lord of the manor, tried to push his son's candidature, but he was non-resident and a stranger to the county. Charles Cornwall of Berrington was a substantial landowner but had no particular connection with the borough and had aspirations for a county seat. Even more distant were the Foleys of Stoke Edith, regarded as interlopers, who were prepared to spend a great deal of money to acquire a seat for their son. All the candidates except Price and the two Birch were to move on to other seats and it may be significant of Price's status that his aspirations never rose above Weobley.

With its mere 70 voters or so, Weobley was described as 'mean' by one candidate because the social structure of the electorate ranged from a proprietor of an estate of £30 a year to tenants of 20s to 40s, tradesmen and even day labourers. It was categorised as a burgh borough wherein the occupiers or owners of certain 'vote-houses' could vote. They needed to be



payers of 'scot and lot', their payments being recorded in the Lewn Book, which proved to be imperfectly kept. Residence of forty days previous to an election was also necessary. It was thus a fixed electorate which could not be enlarged by any artifice on the part of the corporation, which was virtually defunct and had little power except the annual appointment of two bailiffs who acted as returning officers. The only way to increase the electorate, and that was an irregular one, was to split burgages and this appears to have been accepted since some were of years' standing. It might have been expected that someone would have bought up the vote houses to make Weobley into a 'pocket' borough, a tendency which Clayton Roberts sees as common in burgage boroughs elsewhere as patrons attempted to establish control,<sup>4</sup> but this only happened in Weobley in the eighteenth century when Lord Weymouth did so.

The situation was ideal for the practice of venality, votes being bought by outright bribery and in more subtle ways by wiping out debts, excusing tolls etc. When Thomas Foley with ample money bags entered on the scene, corruption became more prevalent and Weobley acquired the reputation of being one of the most rotten boroughs in the country. Elections were not a matter for voters alone in Weobley since the whole community expected to participate, demonstrating partisanship in accordance with the competing liberality of the candidates in providing liquor and refreshments. Thus the five ale-houses played an important part in canvassing. It was important for the bibulous burgesses of Weobley to have a contested election, otherwise

they would be deprived of perks and much excitement and if candidates were slow in coming forward they were positively invited. In an age of 'the rage of parties', party labels signified little though most of the candidates were Tories or in the 'Country interest'. Weobley was a constituency where the alleged Whig versus Tory conflict did not apply. Some slogans made reference to the Church of England but except in the 1685 election, external influences had little bearing on Weobley elections. In such a volatile electorate, it would be idle to seek for any constancy in voting patterns from one election to another, Robert Price being somewhat exceptional in having a loyal band of adherents but even he had to gratify their expectations.

Four years after he had come into possession of the Foxley estate, Robert Price proceeded to put its electoral interest to the test of an election. His local connections and association with the old-established Tomkyns interest might have been sufficient for his success but additionally, Price was able to take advantage of the royalist tide in 1685 along with another royalist, Henry Cornwall. Colonel John Birch who had represented the borough in the three previous parliaments was rejected on the grounds that he had been a prominent Exclusionist. The political interest which Birch had acquired with his Garnstone estate was not sufficient to withstand royalist influence at this election. A correspondent of the Earl of Derby wrote to him on this occasion: 'Your countryman, Birch, is laid aside at Weobley, his own town, where he did believe no flesh living could receive any kindness but by his permission.'<sup>15</sup> Though Price enjoyed the patronage of the Duke of Beaufort, who managed

the Court interest in this part of the country, outside influence was only an additional factor to his own family interest.

In anticipation of the summoning of a new parliament in July 1688, the Earl of Sunderland drew up a list of candidates who were approved by the King. Both Price and Cornwall were on this list.<sup>6</sup> By then, however, Price had strong misgivings about James's religious policy with its implied threat to the Church of England which, no doubt, was quite genuine, and so he considered the association with Catholics and Dissenters which the royal endorsement implied, as more of an embarrassment than an asset. The Prince of Orange's landing at Torbay caused James II to cancel the writs for a new parliament. Herefordshire men were prominent in securing Leominster and Worcester for the Prince and were forthcoming in their contributions towards a loan to him. Sir John Morgan, who had been an ardent loyalist, contributed £100; the erstwhile Presbyterians Sir Edward Harley and Colonel John Birch £50 apiece. Robert Price's contribution was a modest £20, which might be interpreted as an insurance.

As the previous Member for Weobley, Price felt obliged to stand as a candidate at the election for the Convention in January 1689. Past loyalties do not seem to have mattered much, since a royalist like the Tory Sir John Morgan and a Presbyterian like the Whig Sir Edward Harley, were returned unopposed for the county, both having supported the Revolution. Sir Edward's son Robert, was a candidate at New Radnor where Robert Price still

held the office of Recorder. Battle-lines were already being drawn up in Radnorshire where Robert Harley, a Country Whig, was opposed by Richard Williams of Caebalfa with support from Sir Rowland Gwynne, a Court Whig. That Price was prepared to assure Harley of his 'indifference, of that you may be secure by my absence and silence',<sup>7</sup> though he had some obligation to 'cousin Williams', shows an inclination to serve Harley even at this early stage. Harley lost the election but again contested the borough in 1690, this time against Gwynne himself who secured his return from a partial sheriff who had admitted voters from three unenfranchised townships for Gwynne. Harley consulted Robert Price who was only too willing to advise on how to proceed with his petition which was successful.<sup>8</sup>

Robert Price, likewise, had to contend with difficulties at Weobley which was the only one of the Herefordshire constituencies to go to a poll in 1689 with three candidates in contention. Colonel Birch, rejected in 1685, again came forward to claim a seat with good assurance of being returned. Robert Price's embarrassment over his association with James II and his viceroy at Ludlow, the Duke of Beaufort, was fully exploited by James Morgan, the third candidate and younger brother of Sir John Morgan, who was elected unopposed for the county. Sir John, who had made a timely switch to the Prince of Orange, was out to exploit his new credentials, and was not only trying to advance his own political aspirations but was also intent on taking his brother in tow. For this reason he busied himself in the political affairs of Radnorshire, expecting that he could find a seat there for his brother if he

failed at Weobley. He thus became an adversary of the Harleys and was also allied to their Herefordshire rival, Lord Coningsby. This could not but have encouraged a community of interest between Robert Price and the Harleys. Though there was no evidence of Robert Price having supported James II's religious policy, Sir John Morgan purported to have discovered his name on 'the King's roll' of persons who were favourable to the repeal of the penal laws. The situation at the poll became menacing with Price resorting not only to angry words but also to violence, striking James Morgan down and according to his own testimony, 'swords being drawn, I gave him a hand mark for bleeding. He has [so] exposed his temper that I had four of his men fall from him. I believe he has not half my number.'<sup>9</sup> The constables thought otherwise, however. The Morgans had irregularly intruded a third constable favourable to themselves who prevailed upon the two elected constables to sign the return according to which Price had polled 47 votes to Morgan's 53.<sup>10</sup> Price objected that eleven of Morgan's votes were dubious on the grounds of tenure or residence whilst only one of his own votes could be challenged. The usual allegations of bribery with money or cider were not difficult to sustain but carried little weight in petitions from 'the bibulous metropolis'. Price consulted Sir Edward Harley, also a county Member, complaining bitterly of the treatment he had received at Sir John Morgan's hands.<sup>11</sup> He probably approached Sir Edward rather than Colonel Birch, the Chairman of the Committee on Elections and senior MP for Weobley, because Birch was still nursing resentment over his humiliation in 1685 which was shown when he tried to fix a date for hearing Price's petition at a time when he knew that he

was away on business in Denbighshire.<sup>12</sup> Price had some satisfaction that opinion was veering in his direction at Weobley, Robert Harley informing his father 'Mr. Price having so strengthened himself since at Weobley'.<sup>13</sup> The Morgans' apprehension that James might be unseated caused them to endeavour to create an interest in New Radnor, Sir John resigning as capital burgess there in favour of his brother.<sup>14</sup> It proved unnecessary when Price withdrew his petition.

When the election of March 1690 came about, Colonel Birch and Robert Price with all but 30 or so votes out of the total pledged to them were fairly assured of victory. There had been a rumour that John Booth was about to stand, but he withdrew. At this election, local issues like the abolition of the Council in the Marches mattered more than national ones and on this score, Robert Price could give entire satisfaction, himself having been a member of the Council. That Weobley escaped a poll was to be wondered at when a number of constituencies adjacent had contests. Though Viscount Weymouth reflected that 'the interest of party' had triumphed over 'affection to the persons standing' this was not apparent in Weobley.

It was an ominous sign when the Foleys began to cast an eye on Weobley as a possible seat for Thomas, son of Paul Foley, MP for Hereford city. They took careful stock of the situation since they did not wish the embarrassment of losing an election. As Thomas Foley stated, 'this being the first public action of mine, my father thinks .... I ought not to venture on an uncertainty.'<sup>15</sup>

Foley's only hope, as he recognised, was that Robert Price would retire in his favour, which he declined to do. It seems that young Foley had used some harsh words about Price for which he later apologised alleging that 'Whatever I said concerning you was upon a supposed hardship.'<sup>16</sup> Foley appears to have been duped by Colonel Birch who had promised to propose him to the town but instead made a canvass for himself.<sup>17</sup> The Foleys tried to induce Sir Edward and Robert Harley to act as mediators with Price which they were reluctant to do, being dependent on Price's goodwill in New Radnor. The Harleys counselled against Foley's candidature which advice was regretfully taken, much to the chagrin of the Weobley electorate. This decision was to be regretted later since a number of Weobley burgesses had gone to Paul Foley's house at Stoke Edith to urge him to press the candidature of his son, but they were considered to be 'persons so mean that he could not think it any encouragement to stand'. The decision not only disappointed the grasping burgesses of Weobley but also Colonel Birch who wanted to oust Price and informed Foley that a canvass still showed some 48 voters uncommitted.<sup>18</sup>

Colonel Birch's death in May 1691 called for a by-election which Thomas Foley eagerly seized on. Colonel Birch's nephew and name sake John who had married his daughter, hoped to have succeeded to his seat as well as to his estate for he had other reasons than repelling an alien interest for standing. In the early stages of the election, Robert Price was a mere onlooker, reporting that 'the good Christians' of Weobley were 'laying in cider and brewing apace'.

In their eagerness to secure a contest, they had approached a number of candidates including John Booth and Uvedale Tomkyns, both from families which had previously figured in the Weobley representation but with no success. Resort was even had to the press, a pamphlet entitled 'The Case of the Election at Weobley of a Parliament man in the room of Colonel Birch' being published.<sup>19</sup> It provided a detailed account of the canvass showing voters swaying from one side to the other, seduced by bribes or threatened by intimidation. Foley applied to Robert Price for his interest but he declined and in a letter to Robert Harley he explained why he could not support Foley.<sup>20</sup> Price was actually contemplating putting up his brother-in-law, Mr. Wardour, as candidate but, when he proposed it to Wardour, he replied that 'he would not trouble himself in standing for this town.'<sup>21</sup> It was audacious on Price's part to think that he could command both seats and he would surely have over-reached himself if Wardour had consented to stand. When he learned of Wardour's refusal, Thomas Foley renewed his request to Price that he would at least 'stand neuter' between him and Birch and leave the town to its liberty 'that we may fairly strive it out.'<sup>22</sup> Foley even promised Price future support in return for a declaration of neutrality. In order to try to resolve the impasse, a meeting was called at Sir Edward Harley's house, Sir Edward having declined to stand himself because he would not trust to 'the knaves and drunkards' of Weobley. No accommodation was reached at the meeting nor at a subsequent one when the two candidates met with Robert Price, John Booth and Uvedale Tomkyns, when Price waived Wardour's claim and declared himself neutral in the contest.



Price had no more cause to favour Birch than Foley since, in order to gain Price's support, Birch had betrayed a proposal made to him at Brampton Bryan that if he desisted then, Foley would make common cause with him at the next election to turn Price out. This was evidently a ploy on Birch's part to foil any reconciliation between Price and Foley who had been campaigning under the slogan 'Foley and Freedom' in an endeavour to break the Price-Birch hold on Weobley. Deceit and treachery were resorted to on all sides and Price had some cause to complain that Foley 'was laying a train ... to blow me up.' Price described Foley's explanation as 'a pretence that I had refused him my interest' and refused to be mollified by it. As polling day drew nearer, John Booth declared for Birch which induced some voters pledged to Foley to desert him. Foley countered by sending agents around to persuade the voters that if they deserted him so callously that no gentleman would come amongst them again to spend money and that henceforth Price and Birch would rule the roost. This argument had a telling effect since the greedy burgesses knew better than to expect much largesse from the direction of Price or probably from Birch. Some 39 voters who were pledged to Foley now confirmed their promises. At the poll, there was a dispute about the admission of voters, Birch claiming that he had polled 54 to Foley's 35. Since the constables were not in agreement, a double return was made, one declaring Birch and the other Foley to have won.

The inevitable petition followed but Paul Foley succeeded in holding up its consideration by the Committee on Elections as he did not want what Sir

Edward Harley described as 'wickedness on both sides' exposed before the Commons. He urged Robert Harley to negotiate virtually any agreement with Birch. Short of blackmail, he offered terms whereby Birch would be found a seat at some future date, failing which, he was to receive a money compensation which Birch agreed to in October. It gave cause for relief not only to the Foleys but also to the Harleys and Robert Price who were seeking to consolidate the 'Country interest' in Herefordshire.

Robert Price maintained his neutrality during this dispute. Mutual interest inclined him to be of service to the Harleys but he was deterred by his antipathy towards the Foleys whom he regarded as interlopers in Weobley and who further compounded their sins by unprecedented bribery. He was not disposed to help John Birch either, suspecting that he would readily join in a conspiracy to oust him.

Robert Price's skills at political management were called upon not only in Herefordshire and Radnorshire but extended to south-east Wales where he was well-known. He was consulted by some leading Monmouthshire gentlemen in March 1690 concerning an impending election in Monmouth boroughs and in October 1691, a Monmouthshire meeting returned him thanks for his advice and for his advocacy of free elections. The return of Sir Charles Kemeys for the boroughs prompted Francis Gwyn of Llansannor, Glam. and Ford Abbey, to suggest an embryo connexion of himself, Kemeys and Lord Worcester in Parliament.<sup>23</sup> Price was known to Kemeys and was a

professional adviser to the family for some time and his connection with the Beaufort family was of long standing. He was known also to Francis Gwyn who, though of a different political complexion from Robert Harley, is known to have had friendly relations with him and one might detect the influence of Robert Price, who was friendly to both, to have worked towards this end.

Though a member for a small borough, Robert Price was not immune from pressures stemming from economic circumstances within the county. Members were expected to promote local interests especially those which affected people's livelihood, and people who did not have votes believed they had equal expectations with those who had. The state of the wool trade was of concern to the numerous weavers who were affected by a depression caused by the exportation of wool. Tanners and glovers were particularly vociferous against excises on leather in 1693/4 and directed their anger against their MPs. Effective lobbying, a little short of threats, stirred MPs from the Welsh Marches to vigorously oppose the tax. When the threat passed for the time being, the lobbyists expressed themselves 'very sensible of the kindness of their friends'.<sup>24</sup> In May 1697, depression in trade again aroused 'the leather mob' to charge their MPs with failing to protect their interests and threatened to demolish Paul Foley's new house. The situation was beyond the control of a few MPs, however, as markets were brought to a standstill by the debased state of the coinage which caused a riot to break out at Knighton in 1695. Recoinage, when it was undertaken, caused widespread financial losses especially to corporations like Hereford. Borderland MPs had cause for

concern because disaffection in their area was fomented and exploited by Jacobites, whilst the effectiveness of JPs to contend with it was undermined by political exploitation of the Commission of the Peace to oust Tories.<sup>25</sup>

Local issues highlighted the accountability of MPs to their unenfranchised as well as enfranchised constituents.<sup>26</sup> The project to improve the navigation of the rivers Wye and Lugg was one such enterprise towards improving the rural economy. Party loyalties were sunk in a co-operative effort by all the Herefordshire MPs in 1696 to drum up support for the measure from sympathetic colleagues.<sup>27</sup> This resulted in one of the earliest examples of a pressure group using parliamentary lobbying to press a local improvement measure through Parliament, its success encouraging MPs from other areas to emulate it.<sup>28</sup> The Herefordshire pressure group in support of a 'Country measure' was to provide a power-base for the eventual launching of the 'New Country Party'.

The wave of sympathy for the King which followed the death of Queen Mary in 1694 was exploited by the Junto Whigs in the elections in 1695 but, although Hereford had sent a message of condolence to the King, the election made very little difference in the political balance within the county. In Weobley, the same candidates as in the previous Parliament stood. Thomas Foley admitted that Robert Price was fairly assured of his seat but was less confident of his own success. John Birch II again attempted to make good his claim to the seat but the main danger came from Henry Cornewall and Foley

thought that, next to Price, he was the most likely candidate to be elected, 'many Weobley men having applied to him to stand there'. Cornwall, however, withdrew, hoping to contest the county, and this raised Foley's hope of success. The situation was further complicated by Lord Weymouth who, as lord of the manor, had a political interest in the constituency though not a strong one. He was contemplating bringing in his son, Henry, who was about to attain his majority, but he realised that he would need some other interest to supplement his own. Weymouth corresponded with Paul Foley concerning the candidature of his son Thomas, but the crucial figure whose support it was necessary to enlist was Robert Price as the senior member. Weymouth proceeded warily, first of all enlisting the services of Alban Thomas who had been Foley's agent in 1691, cautioning him not to do anything openly against Foley, 'but underhand'. It mattered less that he should appear to oppose Birch. Weymouth's approach was somewhat tentative, being more concerned about 'making friends for Mr. Thynne' against a future occasion. He hoped that Foley would look for a seat elsewhere which would enable Thynne to join with Price to keep Birch out. Foley was not obliging, so Thynne had to resort to a canvass.

Robert Price was faced with an embarrassing situation, being regarded as a power broker by all sides. The Harleys, who were committed to Foley's support, were doing their utmost to improve relations between Price and the Foleys, but Price seemed little disposed to support Thomas Foley as candidate because his bribery had greatly increased the price of votes in Weobley. Price

was more akin to Lord Weymouth, being of the same political inclinations, and both were devout Anglicans, to the extent that Weymouth took Price's support for granted. Price was not well-disposed towards Weymouth's choice of Alban Thomas as agent on account of his conduct against him which had cost him the election in 1689. In the event, Price decided to remain neutral and this was probably instrumental to Weymouth's withdrawal of his son's candidature, overtures having been made to him in the interim by Paul Foley. It was probably on Price's prompting that Weymouth decided to give his interest to Birch rather than to Foley whom he regarded anyway as an interloper.

Meanwhile, Birch had been conducting a canvass and was resorting to smear tactics against Foley. He endeavoured to persuade voters not to support someone who was so much against the Church and threatened to nail up the door of a meeting house which, he alleged, Foley frequented.<sup>29</sup> Birch desisted before matters came to a poll having, in May 1695, been appointed Attorney-General in the south-east Wales circuit, an office once held by Robert Price. It is unlikely that Price was the means by which he got it, but Harley influence cannot be ruled out. His withdrawal facilitated the unopposed return of Price and Foley.

Herefordshire MPs found another occasion for co-operation across party lines in April 1697 when five of them signed a letter to the Duke of Shrewsbury protesting against a militia levy. They complained that coming on top of

wartime taxation and the expense of the Wye-Lugg navigation scheme that the county was over-burdened. A request was made for an abatement of the militia assessment so that the public taxes could be met. It is unlikely that their plea met with any success since Herefordshire was not in any worse plight than other counties as research on the land tax shows it to be one of the more lightly-taxed areas.<sup>30</sup> The protest, though made at local level, exhibits an attitude which was typical of the 'country party's' aversion to wartime taxation which fell most heavily on the land, whereas the city merchants and financiers profited from the war. It came at a time when 'Country' issues predominated over Tory-Whig divisions when expectations of peace were in the air.

There was a considerable turn-around of Members in Herefordshire at the 1698 election, Weobley being the only constituency to return the same two Members after a contest. Robert Price was so confident of success that he found time to interest himself in the contests in the other constituencies. He had been at some pains to take stock of the situation which he laid out in a long letter to Lord Weymouth then at Rouen. The main objective was to find a seat for James Brydges, the son of Lord Chandos. It appears that Price had overcome his antipathy towards the Foleys since he worked with them and Sir Henry Croft, from each side of the political divide, in support of Brydges in an endeavour to strengthen the 'Country' hold on Herefordshire. Brydges was surprised that the county seat was not his for the asking and when an opportunity arose took up one of the city seats. Price had described the city as

'being out of conceit with formal Paul [Foley] and peevish [James] Morgan', and Foley had to strive his utmost to be returned while Morgan was rejected. Price rated Henry Cornewall's chances highest 'if he would be commonly civil to them' but Cornewall had his eye on the county seat and succeeded in capturing it.

Of more interest to Weymouth was what was happening in 'his own borough' where the burgesses of Weobley were running true to form. Price reported 'they are for money' but were 'under great difficulty how to repeal the bill against expenses'. This was an allusion to an Act passed the previous year designed to curb fraud and corruption at elections. Even Thomas Foley with his ample money bags was 'almost weary of them' [the electors]; Birch, Price thought, was soliciting votes to no purpose.<sup>31</sup>

Birch did not think he was and, unlike 1695 was prepared to carry the fight to a poll. The same tactics were resorted to and bribes were alleged to be passing at £1 to £2 a head against the usual 5s, besides other inducements. Birch was accused of intimidation and again played the Church card, 'relying on the prayers of the faithful', as Price put it. Price himself was fairly confident that 'next to money, I have their good graces' and this was substantiated when he was returned at the head of the polls. The two constables could not agree on a verdict and so made a double return. Three versions of the return were put out. One was the constables' poll, the other two were Birch and Foley's versions. All three gave Price 55 votes. One



constable and Birch gave Foley 40 votes against his claim of 44. The other constable and Foley gave Birch 35, he claiming 39.<sup>32</sup> The inevitable petitions followed and were heard on 9 January 1698/9 which adjudged in Foley's favour and on 14 January he took his seat.<sup>33</sup>

The election of 1701 was long in gestation and, since its approximate date was known, the current session of Parliament being determined by the Triennial Act, preparations for it were long in the making. All the leading political figures in the county were involved and Robert Price, along with Robert Harley, was at the centre of the decision-making process. Thomas Foley's voluntary removal in 1701 from the Weobley scene into the city seat in succession to his father Paul, completed the reconciliation between Price and the Foleys. Price had also proved serviceable to Robert Harley who was by then a prominent figure in national politics. As Recorder of New Radnor, he had helped Harley to consolidate his hold on the borough and to bring in his cousin Thomas Harley for Radnor county in 1698.<sup>33a</sup> Harley, in turn, showed his gratitude by exerting his influence to obtain a Welsh judgeship for Price in December 1700 which did not require him to relinquish his seat.

No one was more excited at the prospects of an election than the burgesses of Weobley. Robert Price was court-keeping there in October when he found 'half the town running into parties and no dependence on them'.<sup>34</sup> Lord Weymouth had been in correspondence with Price as early as September 1699, expressing his willingness that Price should again come in for Weobley

while at the same time soliciting his influence 'in what all other boroughs think themselves bound to do for their kind lord'.<sup>35</sup> The obligation which he felt was owed to him as lord of the manor was that the burgesses should choose a person he approved of as their Member rather than a stranger. Though he did not anticipate making any use of his interest at that time, by the autumn of 1700 he had relented and resolved to put forward his son and started taking local soundings. He enlisted the services of Alban Thomas, familiar with the constituency as the erstwhile agent of Thomas Foley, and he constantly sought Robert Price's advice. Both Price and Thomas concurred that it was desirable for Henry Thynne to make himself known in the constituency but Weymouth thought it premature as yet.

Colonel Henry Cornwall had earned the disapproval of the country gentry by his parliamentary conduct and was rejected as a candidate in the county election. By now, Robert Price's interest extended to county politics and he had emerged as one of the power brokers. He was a close friend of Robert Harley and firmly committed to his leadership. Having such a prominent politician amongst them, the Herefordshire gentry felt that a county seat was more becoming of his dignity than a poor Welsh borough and his friends endeavoured to persuade him to stand as a candidate for the county. A meeting was summoned at Lord Chandos's London house at which James Brydges, Sir John Williams, Henry Cornwall and Robert Price were present. They failed to persuade Robert Harley to accept nomination and settled upon Sir John Williams as a person most likely to be endorsed by the gentry.

Robert Price thought him to be 'a gentleman without exception and favoured by nine out of ten of the parish clergy'. It was less easy to find a consensus upon a second candidate. Henry Gorges was proposed in the belief that he was a moderate Tory but almost certainly of the 'Country interest' and hence favourable to Harley. The main objection to him was that he was Lord Coningsby's brother-in-law and Lord Chandos feared that that would extend Coningsby's influence over two seats, his own Leominster seat and that of the county. The Harleys also had qualms on this score because Coningsby was sowing discord against Edward Harley at Leominster and was raising a rival interest to them in Radnorshire where Robert Price had been active on their behalf. At a time when all augured well for the 'New Country party', Robert Harley was annoyed at this 'game of opposition' in his own county. It was left to Robert Price to win over Lord Weymouth's approval of the candidates proposed but, since he was a comparative stranger to the county, he was disposed to support Charles Cornwall's candidature in the belief that he had Robert Harley's approval. He soon desisted, however, when he learned that Henry Cornwall, Charles's cousin, was intending to stand at Weobley where Weymouth hoped to bring in his own son. So Robert Price's task of winning him over was not difficult especially since he was equally concerned about Weobley. Sir John Williams and Henry Gorges were returned unopposed as knights of the shire.<sup>36</sup>

Meanwhile, the electors of Weobley were having an election to their hearts' content. There were seven candidates in all but only four were serious ones.

Robert Price, as sitting member, was naturally one but, his sitting partner, Thomas Foley, departed for the city leaving behind a legacy of venality which was to rise to unparalleled heights in January 1701. Henry Cornwall declared himself to be a candidate when his prospects in the county were extinguished. Robert Price was disposed to believe that 'this was no more than a feint' to force him to declare his hand in favour of his cousin Charles in the county. Towards the end of October 1700, Cornwall received some encouragement from townsmen who were branded by Price as 'the mob element'. John Birch, still resolved to come in for the borough, was very assiduous and disposed to spend heavily to assert his claim. A Weobley correspondent of Lord Weymouth described him as 'a fanatic' and 'a stubborn enemy of the Church'. Birch boasted that he would outbid his rivals 'even to the last groat of his Garnstone estate', Robert Price noting his underhand and clandestine methods in remitting tithes, tolls of mills etc. The fourth candidate was Henry Thynne, come to claim what his father, Lord Weymouth, regarded as his just inheritance. Price advised Weymouth that Birch was not unassailable but was not to be shaken without the expenditure of a great deal of money. To publicise his candidature, Price advised that Mr. Thynne should come to Alban Thomas's house at Weobley and 'let Mr. Thomas have half a dozen gentlemen of the county and treat them'. This was to be done 'with the best notice', presumably to gain the maximum publicity and, for effect, 'when Mr. Birch and myself are gone to London'. It was not unusual for Price and Birch, both lawyers, to absent themselves on business in London, but there is

a suspicion here that Price did not want to be seen to be too much involved in the Thynne camp.<sup>37</sup>

Price did not feel that he could disoblige Lord Weymouth, however, for 'obligation as well as inclination will oblige me to serve his father's son', he wrote. So he put the following proposal on 12 October, 'if Mr. Birch outpole him [i.e. Thynne], I have but one expedient, I will give Mr. Thynne the return, and if Mr. Birch outpole me, there will be no occasion of my compliments.' And then, as a rider, 'There are so many rogues, there is no hold of them.' It appears, therefore, that Price and Thynne were 'running in tandem, an arrangement which was approved of by Bishop Croft and the Foleys, and that the target to beat was John Birch. Henry Cornwall was hardly considered as yet to be a dangerous candidate, but there were already signs to the contrary. Price informed Weymouth that there were about 65 votes in all and that 30 of them 'will be for anybody and many of them are associated to Colonel Cornwall or any one else who will spend money.'<sup>38</sup>

Price seems never to have been called upon before to lay out much money on his election but now he was becoming apprehensive of success unless he joined the gravy train. A Weobley correspondent of Lord Weymouth informed him on 9 October that Mr. Birch had given money in eight public houses 'for voters to drink, but only five of the ale-houses had votes, three for Mr. Birch and two for Mr. Thynne.' There seemed to be a consensus that treating persons to drink was legitimate. The same correspondent also

reported that Price 'sent £5 at one time and £5 at another time to be distributed among the voters and at the court-leet he treated them with ale and cider' and gave two guineas to the poor. It seems that this was hardly from choice since 'about a dozen of the boys of Weobley town' had gone around to canvass for him. 'They found the town generally for me,' he stated, but it was made clear that he must open his purse, 'so I must purchase or give out.' About twenty voters did not expect anything except 'in a general way', the £10 he had given at the court-leet to the poor having in part found its way into the burgesses' pockets. He did not admit to giving money at public houses but gave those who came to his house for the court-leet a belly-full of ale. So, Weymouth was warned that further expense was unavoidable - 'a guinea in every ale-house for a treat' and 'a sum to be distributed among the electors, but avoiding intimidation.'<sup>39</sup>

By November, the lines were fairly clearly drawn. Henry Cornwall was seen to be in earnest and assured Robert Price that his target was Lord Weymouth who had become very concerned about the opposition which he raised against him in the borough which he thought was undeserved. Since Cornwall was resolved never to be reconciled to Weymouth, he hoped to be able to divide Price and Thynne. He had sent his man into the town who went around boasting that whatever any of the candidates spent, his master would double it. Price thought that this had 'sent Birch into a fainting fit' but it had the opposite effect of stirring him to greater action. He was thought to be sure of 30 votes out of the 70 or so, but if three candidates polled, he needed to have

44. At the last election, Birch had polled but 35. This was also Robert Harley's reading of the situation but he was confident that Price had an undoubted majority. By the end of the month, Weymouth reported to Harley that 'the struggle at Weobley runs high and the charge must be accounted by hundreds.' But, having sworn 'to push as far as it will go and not spare the prevalent methods', he had crossed the Rubicon and he was determined not to retreat. Meanwhile, the cost of votes continued to soar, Birch having declared that he would spend a groat for every three-pence of Thynne's money or 7s6d for every 5s.<sup>40</sup>

A good deal of horse-trading went on behind the scenes as well as open bribery. Cornwall was well-disposed towards Price but feared that an alliance between Price and Birch would permanently establish their domination over the borough. This was hardly likely to materialise since Birch still bore resentment towards Price over his activities at past elections. Price's efforts to get Birch to stand down and to yield his interest to Thynne were abortive, Birch signifying that he was prepared to make a joint interest with Thynne against Cornwall but not if Price stood. Price, however, was not disposed to stand down.

Weymouth was becoming very apprehensive, not merely about his son's prospect of success but equally about what might happen should he win. He consulted Sir Edward Seymour concerning the methods which all candidates had employed and he was rightly of opinion that proof of bribery could void

an election, an opinion in which Robert Price also concurred. Price added, however, that 'since he [Weymouth] was clipt, he must not sink,' or for ever after renounce all pretensions to the borough. Weymouth thereafter stopped spending money but decided to carry on the canvass. Instead of money, he now gave a pair of shoes to each voter. This was small change compared with the guineas which Henry Cornwall was spending. Birch's mother-in-law, Colonel Birch's widow, known as 'Winny', had endeavoured to dissuade him from standing but, having failed, she was reported to have put up a bag of £500 to be distributed among the voters. This prompted Robert Price in a wry comment to Sir Edward Seymour to say, 'I doubt their boots will be of running leather. The Colonel's [Cornwall] ginny men do desert. They said Winny has produced a £500 bag. If so, ginnies and shoes are all cast away.'<sup>41</sup>

Sensing that Weymouth was close to despair, Price reassured him of the prospects of victory for Thynne and himself supported by Sir Edward Seymour and Robert Harley who were eager that they should proceed vigorously. Price thought that, along with the length of his purse, and the favour accorded him as lord of the manor, that it would test the power of his interest in the borough. He minimised the danger of Birch and Cornwall petitioning since they were as guilty as any of bribery.<sup>42</sup>

Price left London for the country in mid-December and immediately began a canvass on his own and Thynne's behalf. It was no help to him that Thynne had still not put in an appearance in the constituency. On 3 December,



Weymouth despairingly wrote to Robert Harley that because of the mismanagement of his agents 'our cake is dough' at Weobley. He rather unfairly accused them of failing to distinguish between giving drink and money but had followed the example of the other candidates in distributing money and even promising more in return for a vote for Thynne. He again repeated his fear that the election might be voided and made the startling suggestion that he should put up a freeman who would be independent of all interests, who might be elected with a mere ten votes if the other candidates were disqualified. He even sounded out Harley whether his brother Edward might be persuaded to stand, but the Harleys would have nothing to do with Weobley politics. Three dark horses ran in the race besides those mentioned above but it is unlikely that any of them were Weymouth's nominees though not impossible. The lack of success of Thynne's campaign was mainly due to disagreement among his local advisers, Robert Price and Alban Thomas. Price could not prevail on Thomas to secure the support of 'two considerable voters who were active men and of the first rank in the borough'. Cornwall had offered them fifteen guineas and Price sought Harley's advice whether 'it were not better to give them £10 each or for any less sum which they can be agreed with'. He thought they would be valuable assets and 'will out-do A. Thomas in the game'. Further, Price favoured an alliance between Thynne and Birch, Thomas between Thynne and Cornwall. These local disagreements sowed the seeds of suspicion in Weymouth's mind that there was a secret contract between Price and Birch.<sup>43</sup>

As the election approached, Price found that his own success was not as certain as he had imagined. He came to realise that unless he spent money as freely as the others that he could not ensure a majority. If he did so, he thought he would top the poll and that the runner-up would be the next highest bidder. By the beginning of January, the situation appeared differently, having spent a fortnight canvassing. He informed Harley that Thynne would have about 53 votes which he had bought 'whereof very many were usually my very staunch votesmen'. Birch had upwards of 40 'at a dear underhand sale'. Price could only command 38 and Henry Cornwall about 30. Without more ado, Price decided to withdraw and to give his interest to Thynne. We can only surmise that the reason for his withdrawal was the indignity that would arise if he lost an election on his own doorstep. He had also committed himself to Thynne's success and, pestered as he was by Weymouth's importunities, he could not contemplate Thynne's failure having given so many assurances of success.<sup>44</sup>

Weymouth was livid at what he regarded as Price's desertion of his son and accused him of 'sordid prevarication' and of a suspected secret agreement with Birch. These accusations drew a heated reply from Price rebutting all accusations and reminded his lordship of the long hours and exertion he had put in on his son's behalf. He explained the difficulties he had been unable to overcome. The voters who had promised Price their votes, begged of him their liberty so that 'they might make their markets' when he withdrew, but they did not automatically switch to Thynne's side. He also explained the

difficulty over 'plumping' second votes. He had favoured giving the second vote to Birch since to give it to Cornwall would threaten Thynne. As it turned out it made no difference since only one vote divided Birch from Cornwall.<sup>45</sup>

When the election took place on 9 January, Price had expected some of the leading gentry together with Lord Chandos to appear in support of Thynne, but their non-appearance was attributed to inclement weather though Price had delayed the poll in expectation of their coming. When the poll was declared, Henry Cornwall had polled 51, Mr. Birch 50, Mr. Thynne 44, Charles Cornwall 4, Thomas Price 3 and Thomas Birch 1.<sup>46</sup> Cornwall's victory was largely due to a late rally in his favour at Thynne's expense. Birch's vote was unpredictable because of the secrecy of his bargaining. Price even went so far as to try to persuade the bailiffs to make a double return but that was frowned upon by the gentry. Thynne was not disconsolate since he was returned on the family interest at Weymouth and Melcombe Regis. That raises the question of how serious a candidate he was at Weobley where he had been reluctant to make a personal appearance. Had Robert Price sacrificed his seat in vain, and why the desire to gratify Weymouth? It is conceivable that it was not Weymouth that he was seeking to please but Robert Harley who had been making overtures to High Tories like Weymouth and Sir Edward Seymour. That the scheme had miscarried was due less to an error of judgement than the unpredictable nature of the Weobley electorate. Several petitions were submitted to the Commons, one from the 'unbribed

burgesses' but none were heard and Cornwall and Birch took their seats. Robert Price was not cast down either, since he wrote to Robert Harley rejoicing that 'our Country elections succeed so well' and, his appetite for a fight undiluted, was off to the Middlesex election at Brentford 'to assist in the election there'.<sup>47</sup>

A second election occurred in 1700 in November, when efforts were again made to persuade Robert Harley, elected Speaker in the last Parliament, to stand for the county. Robert Price again had a directing hand and sought to get the approval of Lord Weymouth for the scheme. He told Weymouth that Sir John Williams was earnest that Harley should come in for the county whether in his stead or as a partner instead of Gorges is not clear. Weymouth endorsed the proposal and put his interest in the hands of Robert Price either to use on behalf of Harley or, failing that, for the sitting members.<sup>48</sup> Harley, now involved in high politics, declined to enter into the unpredictable business of county politics though the formidable coalition of Harleys, Lord Chandos and Robert Price would have vouchsafed him a safe seat.

In Weobley, the storm-centre of Herefordshire politics, things had simmered down by November but three of the previous candidates were still prepared to poll for it. Robert Price re-entered the lists, this time unencumbered by association with Thynne. Lord Weymouth now mollified, gave him his interest, so his success was fairly assured. The real contest was between Birch and Cornwall in which Cornwall was ousted and petitioned, but the

Commons never adjudicated upon it having seen a surfeit of Weobley petitions. On 11 December 1700, Price was made a Welsh judge, which did not disqualify him from being an MP but curtailed his attendance. He had, however, fought the last election, because on 24 June 1702 he was made an English judge, which did disqualify him.

Robert Price's parliamentary career ended with William III's last Parliament, but his interest in politics continued unabated. His ambition to establish a political dynasty when his son Thomas followed him as member for Weobley, was dashed with his son's premature death. He had, however, by then established for himself a position of some consequence in the politics of Herefordshire and he was favoured by the confidence of its chief politician, Robert Harley.

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#### **4. Parliamentary Activities, 1685-95**

James II's only parliament was called in May 1685, early in the reign to capitalise upon the royalist reaction which had swept the country in the aftermath of the Exclusion crisis. Robert Price, whose royalist credentials were vouched for by the Duke of Beaufort, was returned with Henry Cornwall for Weobley. Though an insignificant borough, it was not to be ignored since boroughs were later to be the target of the king's policy to reduce them to royal control to ensure a submissive parliament. It would seemingly be impossible to procure a more royalist parliament than the one which met in 1685 in which some 75 per cent of its complement was made up of Tories and High Anglicans but who turned out to be less than amenable when James tried to remove the religious tests which disabled Catholics.

Robert Price was one of 273 who took their seat in the House of Commons for the first time. He conformed to the Tory-High Anglican majority within the House and, at 30 years of age belonged to the 43 per cent of Tory MPs who were under 40 years of age, 43 being the average age of the House. He also belonged to a narrower élite within it having been educated at public school being one of eighteen Shrewsbury boys whose number was only exceeded by Eton, Winchester and Westminster. He fell within the 17 per cent of Members who had been to Cambridge University and to the 42 per cent who had attended an Inn of Court though not necessarily professional lawyers, and to even a smaller number who had attended both University and an Inn of

Court. Two thirds of the lawyers in the House stemmed from the ranks of the lower gentry but, like Price, had either inherited, purchased or married into estates before entering the House. His profession, however, took him out of the ranks of the mere gentry who made up 50 per cent of the complement of the House. He was soon to hold offices in three municipalities which augmented his income and placed him within the 15 per cent of office-holders in the House.<sup>1</sup>

For an aspiring lawyer, a seat in Parliament was a great asset but a place at Court was an even greater one and usefulness to the Court party in the House of Commons was one way of achieving this ambition. As a Denbighshire man, Robert Price had the example of George Jeffreys, John Trevor and William Williams to spur him on towards his goal. So, from the outset he involved himself in the business of the House of Commons and strove to master its procedure. Edward Foss says that Price took little part in the activity of the House but this is not borne out by the Journals.<sup>2</sup> The best measure of his parliamentary activity is the number of committees he was nominated to, but a true picture is not possible because no record of attendance was kept. The Tories, having a slight majority in the House, were able to nominate more members to second-reading and investigation committees. It is likely that the Mr. Price who was nominated to the Committee of Privileges and Elections was the Weobley Member rather than the Thomas Price who sat for St. Michael, Cornwall, but who was an inconspicuous figure.

Price was nominated in all to thirteen committees during the two sessions of this Parliament and some of the subjects he was to take a continued interest in later begin to appear in the committees on which he served. An interest in the economy sprang from local causes which were pressed on the attention of the Herefordshire Members by their constituents. The farmers and clothiers complained of the injury done to the wool trade by silk imported by the East India Company whilst the 'leather mob's' main grievance was excises imposed on their commodities. The navigation of the rivers Wye and Lugg was to exert the efforts of local MPs till 1696. The improvement of tillage was a natural subject of interest to Members from an agriculturally rich county like Hereford. Price's interest in Wales soon marked him out as its chief spokesman, and his membership of a committee to attend to the repair of Bangor cathedral and to augment the revenue of the diocese, is but one example of a lifetime interest in the well-being of the Welsh Church. His concern for the promotion of moral reform took the practical form of building new churches, his having served on a committee to build a new church at Westminster being but a prelude to his appointment later as a commissioner to build fifty new churches in London.

Robert Price served on most committees to which gentlemen of the long robe were nominated and where legal expertise was an advantage. He was well-acquainted with the problem of suppressing theft and rapine in the north of England from his days on the Council of Wales. Technical defects in laws often called for remedy, one case they had to deal with concerned bankruptcy.

Simony was but a form of corruption which Members who looked to greater purity in government were anxious to eliminate. To be a teller in a division on a bill signified a particular involvement in the subject on the part of a Member, and Price acted as such on a bill concerning the registration of the births, marriages and deaths of the nobility and gentry. Private bills to enable landowners to make certain dispositions of their property were frequently submitted to committees and Price served on two of them in this Parliament. The Revocation of the Edict of Nantes in 1685 swelled the influx of French Protestants and for two reasons Price did not favour proposals for their naturalisation; firstly, it was known that the king did not favour them and secondly, Price wrongly feared that the immigrants would be more likely to impoverish rather than enrich the community.<sup>3</sup>

James II saw no prospect of persuading a Tory-High Anglican Parliament to repeal the penal laws and was already appointing Catholics to public office and army commissions by dispensing with these laws. After an eighteen months prorogation, he dissolved Parliament in May 1687 by which time he had already set in train effective machinery towards making a new Parliament which would be more compliant and in which Roman Catholics and Dissenters would be prominent, though hitherto regarded as inimical to monarchy. What made the move appear dangerous was that it was likely to succeed, since James found rather more Dissenters than he expected who were only too prepared to seize the advantage of wreaking revenge on their erstwhile persecutors.<sup>4</sup> Roman Catholic support could be taken for granted

and it was particularly evident in Robert Price's home counties in the Welsh Marches. The volte-face in royal policy put Price in the utmost quandary both as a Tory and High Anglican. As a lawyer he would probably have gone along with the judgement in the Godden v Hales case<sup>4a</sup> which declared the royal dispensing power legal. As a royal appointee in the corporations of Shrewsbury, Hereford and Gloucester he had to co-operate with Roman Catholics and connive at their appointment by dispensation. His tolerance of the King's religious policy appears to have reached its limit in 1687. He was not a member of any of the commissions organised by Robert Brent which went around the counties chivying the Lords Lieutenant into greater exertion in finding suitable candidates at the next election in which task Price's patron, the Duke of Beaufort, was giving less than satisfaction too. Having first been closeted by Lord Jeffreys, Price was afterwards closeted by the King to whom he gave the assurance, according to his own testimony, that he 'would serve him with my life and fortune' but only 'provided it were not injurious to the Church of England'. This may well have tolled the knell for Price since, as he later informed Robert Harley, 'there was an order for my being displaced [as Attorney-General for South Wales] and a fiat for one Mr. Progers to succeed me.'<sup>5</sup> Though relieved of his municipal offices, he was not turned out of the four Commissions of the Peace of which he was a member,<sup>6</sup> nor was he on Danby's list of potential opponents of the King.

In preparation for a new parliament which was to be called in November 1688, the Earl of Sunderland drew up a list of persons who were acceptable as

candidates and the names of Robert Price and Henry Cornwall were put forward for Weobley. The writs for that parliament were cancelled when the Prince of Orange landed, but Price found the royal imprimatur a source of great embarrassment later.

Of the 171 persons who had James's recommendation for the November parliament, 105 were not elected to the Convention in January 1689, Robert Price among them. Though he petitioned against his opponent, James Morgan, he held no great hope of success since the chairman of the Committee of Privileges and Elections was Colonel Birch who was still smarting from his defeat in the 1685 election at Weobley. Price confided in Sir Edward Harley that he did not doubt the justice of Colonel Birch and Sir William Gregory, the Member for Hereford, 'but their friendship I may justly suspect being both interested in my antagonist's success'.<sup>7</sup> Price alluded to an old grudge which Gregory, an erstwhile political ally, bore against him. That Price chose to confide in Sir Edward Harley whose political convictions could not have been more different from his own, is a measure of his feeling of isolation at this time.

Price resumed his parliamentary career in 1690 when he was returned unopposed with Colonel Birch for Weobley, which was his natural habitat. He identified himself with the Tory-High Anglican majority which clerical propaganda at the election had produced. The Marquis of Carmarthen, the government manager, did not include Price in his list as one who was likely to

assist in promoting the King's business,<sup>8</sup> in which respect he was correct since it was with the Country opposition that he found a haven. The Bill of Rights had left unresolved issues, many of which were to become the programme of the Country opposition for years to come and which produced a measure of co-operation between Country Whigs, like the Harleys, and Country Tories, like Price.<sup>9</sup> The Junto Whigs sought to brand all Tories as Jacobites and to embarrass them by proposing an abjuration bill which would require all office-holders to take an oath abjuring James II. The attempt miscarried because moderate Whigs like Harley and Foley joined with the Tories to defeat it and this had the effect of bringing them closer together as a Country opposition. From 1691 on, Harley and Foley were drawing away from the Junto Whigs and were making advances to High Church Tories like Sir Thomas Clarges with whom they worked on the Commission of Accounts, and Sir Christopher Musgrave as well as to Robert Price's friend, Francis Gwyn. This entente was entirely to Price's satisfaction and drew him closer to the Harley-Foley connexion both in Parliament and in their home base in the Welsh borderland. In his correspondence with Beaufort he frequently alluded to the prominence of Country leaders in debate and how Harley sought to avoid Whig-Tory conflicts which only benefited the Court interest.<sup>10</sup>

No division lists are extant for the period 1690-5 and our knowledge of parliamentary business is based on the journals of both Houses and private diaries kept by Members. It is notable, however, that more people were participating in the business of the House of Commons as organisational

improvements, particularly in the committee system, were made. The number of Members who served on committees greatly outnumbered those who got up to make speeches and some acquired expertise in certain directions. MPs were nominated to committees from the floor of the House, but no one could be named unless he was present since the committee might be called to sit on the same day, usually at five o'clock in the Speaker's room or Painted Chamber. More persons were named than usually attended and, so, a quorum, usually of five, was stipulated. Frequent nominations to committees did at least signify that a Member was present and active and sometimes signified that he had expertise in a certain line of business.<sup>13</sup> Though he sat for a small borough and had no great need to account for his conduct to his constituents, Robert Price was a very active Member but Moore and Horwitz have noticed that MPs who sat for constituencies which had frequent contested elections were predisposed to be more active.

Robert Price's parliamentary activity in the 1690-5 Parliament, based on the model described by T.K. Moore and H. Horwitz, 'Who Runs the House?', *Jnl. Mod. Hist.*, 43, 1971, 205 ff.

1. Number of committees nominated to.
2. Number of committees on private bills included in 1.
3. Number of speeches recorded in the session.
4. Number of times acted as teller in a division.
5. Number of times acted as reporter from a committee.



6. Number of times acted as bearer of a bill to the House of Lords.
7. Number of times nominated to a conference with the House of Lords.

<u>Session:</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>
1	12	6				2	
2	31	15		1	5	2	
3	22	9	2	1	3	1	1
4	37	14	4		1	1	1
5	22				1		
6	4				1	1	

Robert Price was appointed to all the Committees of Privileges and Elections except one during the 1690-5 Parliament. His work load can be seen to have steadily increased reaching its climax in the 1692/3 session. In this session when Price served on 37 committees, three of them committees of investigation, the rest second-reading committees, this would have qualified him to level one for the latter and level two for the former on the scale which Moore and Horwitz have worked out to assess work loads. For participation in debate they would have awarded him third level. Price was one of only nine MPs who were active in all three, and one of only six working lawyers they identified as combining speaking in the House and serving on committees. He also qualified for inclusion as one of 95 MPs who merited being regarded as 'workers' in both the 1691/2 and the 1692/3 sessions.<sup>12</sup> The number and nature of the committees he sat on indicate that his interest

ranged over most of the issues which were of foremost importance to the Country party and the frequency of his appointments testifies to the confidence placed in him as its spokesman.

The most prominent issue of the day was the prosecution of the war against France to which Country Members had an ambivalent attitude since the war had been declared with the support of Parliament and, for this reason, even the opposition did not want to disoblige the King. It was waged to combat the French menace and what was seen as the danger to Protestantism in Europe, on which issues Parliament saw eye to eye with the King. The difference between the Country opposition and the Court arose over how the war should be prosecuted and what resources were affordable for its conduct. Tories generally favoured naval warfare over land warfare in pursuit of what was called a 'blue water' policy. In 'King William's war', they asserted that land warfare should be left to 'our confederates' and that England should put its resources into the navy which would defend its shores and drive the French off the seas. For land defence, a reorganised militia was advocated and Robert Price was appointed to a committee to consider measures to this purpose. The militia was a preferable option to a standing army because it would be under local control of the nobility and gentry and would constitute less of a threat to civil liberty.

The King's speech on the opening of a session of Parliament was the occasion when views were aired when a Committee of the Whole House considered its

reply. The King invariably asked for more resources, pointing out that supply often fell short of parliamentary votes, as he did in October 1691 and November 1692. The opposition gave preference to the redress of grievances before considering supply. In November 1691, nearly two weeks were spent considering the size of the army for 1692. With army supply, there was always the possibility of peculation and Paul Foley wanted to know how £11 million had been spent over the last three years, an enquiry which was passed to the Commission of Accounts which became the spearhead of the Country opposition. The critical attitude of the opposition was marked by the increasing number of divisions on supply in 1693-4.<sup>13</sup>

Though there was less opposition to naval supplies, the Admiralty was frequently under criticism for its shortcomings. Failure to press advantage after the battle of La Hogue in 1692, the loss of the Smyrna fleet in 1693, and merchant losses at sea because of inadequate convoys and the shortage of merchant seamen because of recruitment for the royal navy, were the most serious complaints. Robert Price would have included himself among Robert Harley's friends who carried a motion that the Admiralty be entrusted to 'such persons as have known experience in maritime affairs and that all orders to the Fleet may pass through the said commissioners.' Price's interest in the debate is reflected in his lengthy report to Beaufort where he concluded that the Court would not find the criticisms and recommendations pleasing, while he exulted at the triumph of the Country opposition.<sup>14</sup>

Criticism was not confined to the services alone but was also aimed at the political direction of policy. The growth of bureaucracy was held to be largely responsible for corruption and the king's preference for his Dutch counsellors was particularly resented. His resort to a Cabinet Council of four or five persons for advice rather than the Privy Council was regarded as unconstitutional. Robert Price, with his penchant for precedent, would have concurred with Waller's view that a Cabinet Council was unknown to the law books. Price reported some very xenophobic views to Beaufort which were clearly his own too, about the neglect of English interests when Dutchmen were placed in command of the army and rewarded with lucrative grants.

The Court constantly sought to exert control over Parliament by engaging more and more placemen to its interest, whilst the Country opposition sought to reduce Court influence by resorting to place bills in order to reduce their number. Early in the first session in 1690, Robert Price along with other lawyers was appointed to a committee to investigate false and undue election returns which was a typical 'Country' measure designed to ensure the freedom and integrity of elections. The elections which occurred in 1690 produced, nevertheless more contests than any in King William's reign and resulted in a crop of petitions by failed candidates. One of them was Robert Harley in New Radnor boroughs who petitioned against Sir Rowland Gwynne. Paul Foley had advised Harley against petitioning on the grounds that the verdict would be determined by a party vote. Harley, however, went on to engage Robert Price to present his case since, as Recorder of New Radnor he was best

informed about the franchise in a constituency where the county borough shared the right of election with four out-boroughs. When Harley's petition was heard in the House, Sir Rowland Gwynne presented his own case and was supported by Richard Williams, the county Member but, as Harley reported to his father, 'Mr. Robert Price fully answered both.'<sup>15</sup> Foley had, however, drawn attention to a grave anomaly, viz., that it was partisanship in the House of Commons which frequently decided who should sit in the House rather than the votes of the electors. In December 1690, at the behest of the Country opposition the House set up a committee to deal with the speedy determination of elections and Robert Price was nominated to it. Within twelve days the committee made its report which Price presented to the House and, after the bill received its third reading, he carried it to the House of Lords. These services signify that he took a leading part in the transactions.<sup>16</sup>

Corruption in government was another object of criticism of the Country opposition; it might take the form of misappropriation of funds or fiscal mismanagement. Early in the first session of the 'Officers' Parliament', Robert Price was appointed to a committee to prepare a bill to set up Commissioners to take account of all public money spent since 5 November 1688, and this Committee of Accounts was to become an effective weapon in the hands of the Country opposition and to have a beneficial effect in holding persons to account for their actions. The epithet 'Officers' Parliament' which describes that of the 1690-5 period, is a measure of the extent to which it had fallen under Court control, and what the Country opposition visualised was a return

to the days of the 'Cavalier Parliament' of Charles II and the corrupt regime of Danby who, under the name of Marquis of Carmarthen, still directed affairs in King William's early days. Now and again, however, even a subservient House asserted its independence of Court influence as when it elected Paul Foley Speaker rather than a Court nominee, Sir Thomas Littleton after Sir John Trevor was expelled from the House. Some attributed Littleton's defeat to the fact that he was proposed by a minister but Horwitz is of the opinion that it was the weight and organisation of Foley's Herefordshire and Worcestershire friends with the support of the Churchmen that carried the day. Such an alliance might well be regarded as having the imprint of Robert Price written large upon it.

The Triennial Act was one of the greatest achievements of the 1690-5 Parliament. It had been long in gestation, one bill passed by both Houses having been vetoed by the King in January 1694 because William feared that it would diminish Crown influence in the House of Commons. It was designed to reduce corruption since it would be more expensive, if not more difficult, to suborn a new House every three years. Though it was surmised that it was the Duke of Shrewsbury who broke down royal opposition to the measure, it is a significant fact that he was the Lord Lieutenant of Herefordshire and at that time was on good terms with the Harleyites.

After the passage of the bill, the question arose as to when a dissolution of Parliament would follow. William III was anxious to bring to an end the

investigations into bribery and corruption which followed Sir John Trevor's fall and the Junto Whigs were eager for an election to increase their parliamentary majority. Wharton, one of the Junto leaders, was very optimistic of success and, according to Robert Price, had drawn up a list 'of eighty new Members he will bring into the next parliament who shall entirely serve the Court.' Price read the situation differently and was sceptical of Wharton's own return for Buckinghamshire. Price was confident that the next parliament could not be more obliging than the existing one, having voted large taxes for supply, but what he apprehended most was the admission of some 'extraordinary persons' into the House by royal influence who would indulge the King's autocratic tendencies.<sup>17</sup> Price was always sceptical of King William's legal title to the throne and thought that the death of Queen Mary in 1694 was the most telling argument for an election, since the existing parliament had been summoned by the joint writ of William and Mary. A more charitable view might be his concern for constitutional propriety but he never renounced the belief that William had seized the crown by force.

The Country opposition scored some signal victories especially on the Commission of Accounts which kept the Court and the Treasury on their toes. It often displayed glaring weaknesses, nevertheless, because it was difficult to keep together, being a collection of individuals not a coherent party, and the Court often caught it at a disadvantage. On one occasion Robert Price bewailed the fact that the House had dwindled into a committee and one can be certain that the people least in evidence were the country gentlemen.

Controversy over the East India Company dragged on throughout King William's reign and assumed an aspect of political partisanship. The Company's monopoly of trade with the East was being challenged by interlopers who desired to form a new company and demanded freedom of trade; it drew support from the City of London and the Whigs in Parliament. The Tories, and especially the Court Tories, upheld the monopoly of the old company as did the Crown which was often dependent upon it for loans. The notion that the Tories were not interested in trade is demonstrably erroneous as Philip Jenkins has shown in the case of Tory-dominated Cardiff where the prosperity of trade was a matter of evident concern.<sup>18</sup> Price's long association with the town from his days as Attorney-General of South Wales, might well have influenced his attitude in the same direction. His interest in the East India Company is evident from the detailed information he sent Beaufort who was a shareholder in the Company. It also gained him experience in the business world which stood him in good stead later as a Baron of the Court of Exchequer.

From a 'Country' standpoint, the East India Company was one of the channels which fed the sea of corruption and, after abortive attempts at regulation in 1691 and 1692, the confirmation of the Company's charter by the King in 1694 became an instant object of suspicion.<sup>19</sup> Enquiries disclosed that the Speaker, Sir John Trevor, had received a handsome bribe for his services which led to his expulsion from the House. What was Robert Price's reaction



to the attack on Trevor and led by the Harleyites is unknown, but his loyalty as a Denbighshire man must have been divided.

The Commission of Accounts became a valuable rallying-point for the Country opposition, most of whose members were Country Whigs but it also contained the occasional Tory leader. By its close scrutiny of government revenue and expenditure, its members gained such a knowledge of the intricacies of Treasury business that they were always able to command a hearing. It was generally assumed that the Administration commanded a secret service fund which was used to bribe Members for their support, an allegation which Wharton warmly denied in December 1691. Price was involved in investigation of bribery and served on a committee to look into the buying and selling of offices in the same session. His friendship with Robert Harley gained him a great deal of knowledge about the Commission's work and, in December, in writing to Beaufort about its presentation of accounts to the House, he was able to append a list of persons who had received pensions and gratuities, which included Sir John Trevor. Price did not follow blindly where Harley led, however, since in December 1692 when the House was considering a bill on the public accounts, the Commission recommended its committal but Price rose to object, urging that the House should hear the observations on their report first in order to inform its judgement. It appears that Price's objection was mainly a procedural matter but it reflected the disarray which pervaded the Country opposition on this occasion.<sup>20</sup>

Taxation was very much a concern of the Country opposition apart from the petitions from constituents which were a constant reminder to MPs of their accountability. Robert Price fully identified himself with the Country party when he wrote to the Duke of Beaufort: 'We have been fighting to keep off excises,' in response to protests from all parts of the country against salt duties and from leather and textile workers in particular against duties on soap and leather. Cloth and leather workers in Wales, the Marches and the West Country protested that these duties aggravated what was already a depressed market. The Country opposition disliked excise duties on principle because Parliament had less control over them, and though they often protested against its level, the land tax was their favoured form of taxation.<sup>21</sup> The Herefordshire Members in particular had a good reason to prefer the land tax since, as W.R. Ward has shown, its incidence fell much more lightly on outlying parts of the country than upon the Home Counties. This situation arose in part from the demise of regional conciliar government, he asserts, from which Herefordshire was a beneficiary.<sup>22</sup> Whether the Country Members were pursuing a 'Whiggish Jacobite' programme as suggested by Monod is more questionable. A document in the Herbert Correspondence dated 3 December 1694, is a copy of what purported to be 'James II's Instructions to his Supporters' and reads like a programme of Country grievances.<sup>23</sup> There is no doubt that the Court at St. Germain was assiduously fomenting the airing of such grievances to embarrass the government and to frustrate the war effort. Though Robert Price might have been sympathetic with such propaganda, it is highly unlikely that Harley and his followers danced to that tune though Philip

Jenkins has argued that some ex-Roundheads and Presbyterians in Wales and the Borderland so far forsook their radicalism as later to become Jacobites.<sup>24</sup>

The gradual coalescence of old Whigs and Presbyterians like the Harleys and Foleys with High Church Tories like Clarges, Musgrave, Francis Gwyn and, maybe, Robert Price, does not necessarily equate with Jacobitism.

Robert Price's evident interest in legislation to do with treason might well suggest crypto-Jacobitism. With memories of the Popish Plot still green, Tories, whether Jacobite or not, had cause to fear recriminations when unfounded accusations, largely Junto-inspired, were rife and informers ready to commit perjury for gain. One impostor, named Fuller, incriminated the Duke of Beaufort among others, for having allegedly signed an address to James II promising support. In both the 1690-1 and 1691-2 sessions, attempts were made by the opposition to bring in a bill to regulate treason trials, only to be frustrated by the House of Lords who tried to 'tack' a clause which would change the method of trial by peers. It was opposed in the Commons because it would further enlarge the Lords' privileges and Robert Price drew on sufficient precedents to condemn it. He used what might be called a 'Whiggish' argument in upholding the theory of a balanced constitution, declaring 'if there be an original contract between a King and his people, there is so between the people and their representatives and, therefore, ought not to have any law slip that may be for the public good and safety.'<sup>25</sup> Arguing de bono publico, Price asserted the supremacy of law as the surest guarantee of personal liberty, hence the need for the law of treason to be clarified.

Another bill to regulate treason trials was attempted in 1692 which would have required the testimony of two witnesses on oath before a person could be convicted of treason. The person accused would also have been allowed counsel and a copy of the indictment beforehand. The strong support given to it by the Country party leads Dennis Rubini to consider the bill to be a milestone in shaping the Tory character of the opposition. Price supported the leading Tories in calling for 10 January 1693 to be the operative date for the bill, but were defeated by a majority which favoured the end of the war.<sup>26</sup>

The debate was resumed in December 1692 on a 'Bill for the better preservation of Their Majesties and government' which was denounced by the opposition for 'making words treason'. Robert Price described it as 'a wicked bill' since it branded a person who only acknowledged the King's title as being de facto rather than de jure, as a traitor. The bill would also enforce a new oath of allegiance on office holders, anything in the nature of abjuration being anathema to Price. He rejoiced at the defeat of the bill and was amused by the talk of the town that Jacobites and 'Commonwealth men' had joined forces for the purpose. This episode more than anything might be construed as confirmation of Monod's thesis about 'Whiggish Jacobites'.

Whilst prone to calumniate the Tories, the Junto were anxious to protect themselves in a bill of March 1692/3 to indemnify those who had acted for the government in dangerous times. Price denounced it because it would pardon all the extravagant actions done by great men and would put in the hands of

six Privy Councillors the power of arbitrary imprisonment, thus rendering personal liberty precarious. Very soon, Price found his fears justified when the ministers authorised the arrest of several Cheshire and Lancashire gentlemen, many of them Catholics, for alleged participation in the Lancashire Plot. The case was tried at Manchester and was evidently a political trial which collapsed when a witness withdrew his evidence. Harley condemned the proceedings as a Whig attempt to gain political advantage in Lancashire, whilst Price was especially critical of the judicial conduct of the case and of the readiness of the House of Commons to hear perjured evidence. After four aborted attempts, the Court eventually gave way and a Treason Trials Act was enacted in January 1696 just before news of the Assassination Plot broke.

In a search for alternative ways of financing the war, the opposition raised the question of the confiscation of the estates of Irish rebels at the opening of Parliament in October 1690. The Country party proposed to raise £1 million from these proceeds but it was blocked by Court influence in the House of Lords as a invasion of the royal prerogative. A compromise proposal was offered which reserved for the King a certain share while putting the rest at Parliament's disposal. When the first division was taken on the bill, Robert Price acted as teller which indicated that he had taken part in the preceding debate; this is the first intimation of his interest in forfeited estates. Having regard to the traditional antipathy towards the Irish in Wales, it raises the question whether Price was motivated by sympathy towards the Irish or

towards any victims of confiscation. Though the bill was lost, the King undertook not to dispose of any forfeitures without Parliament's consent.

When estimates were under consideration in December 1691, Paul Foley proposed that Ireland should bear the total cost of keeping the army there, with which Francis Gwyn, a leading Tory, concurred. When a division was taken on a motion to reduce the number of regiments there, Price again acted as teller but the motion was lost because of lack of cohesion among Country Members. This was particularly evident among Herefordshire MPs who purported to be Country Members but who were at sixes and sevens on this issue, three of them acting as tellers on different sides.

In February 1691/2, Price again intervened in a resumed debate when the Courtiers intruded a clause which had been deleted in committee, into a bill which vested some estates in Their Majesties. In the case of a person convicted of treason, his entailed estates would have been forfeited from his heirs, a clause which the committee had deleted from the bill. Price argued the unfairness of punishing men for a crime which was no fault of their own but, again, the committee was overruled because, it was argued, of the need to protect the Protestant religion. Price, in a letter to Beaufort, made allegations of exploitation and misappropriation which touched some of his fellow Herefordshire Members. The King himself had given hostages to fortune in making several grants of forfeited Irish estates despite earlier promises and this was to be a subject of recrimination later.<sup>27</sup>

When most Welsh MPs were silent Members, Robert Price, who still had close contacts with Wales, emerged as their spokesman. The demise of the Court as well as the Council for Wales in 1689 had caused dislocation in legal administration which called for remedy. Though Sir Edward Harley and Francis Gwyn had assured the House of the full concurrence of the Welsh in the Council's abolition, the Crown had no desire to see the last regional prerogative court disappear. For different reasons, Robert Price had no desire to see a court in which he had practised come to an end, being now utterly indifferent to the royal prerogative. He found some recompense in acting as the champion of the independence of the Welsh judicature in the form of the Court of Great Sessions which came under repeated attacks from the Westminster courts.

One instance occurred in 1693 when the Earl of Pembroke initiated a bill for setting aside amendments and alterations in the records and writs in relation to a settlement made by his father in 1675 of his estate in Wales, which was opposed by his brother-in-law, Lord Jeffreys. The matter at issue was whether writs of error brought by the Earl in 1687 to reverse the arrangements in his father's will and which had been sanctioned by the Court of Great Sessions, was an error of judgement on the part of the Welsh judges. Price's friend, Sir Thomas Powys, pointed out that procedure in Wales differed from that in England and whereas English judges could not amend original writs from another court, Welsh judges could. Sir Simon Harcourt argued that if parliamentary bills interfered with such arrangements, it would be the undoing

of all settlements, a view with which Price concurred referring to precedents. The bill was defeated to Price's satisfaction; he was ever mindful of the great Welsh judge,<sup>28</sup> Sir John Vaughan's dictum that the writs of Westminster courts had no currency in Wales.

Price was appointed to a committee in 1693 to consider the better execution of justice in Wales as a prelude to a commission to draw up and present a bill for that purpose which rapidly passed through all its stages. The most serious obstacle to the execution of justice in Wales was the lack of active JPs whose number had been limited to eight by the Act of Union of England and Wales. Both Robert Harley and Robert Price could sense a crisis from the chronic situation in Radnorshire, and in January 1694 they were instrumental in securing the removal of the quota.

Price might have had a family interest in a bill on which he sat in committee to protect Sir Carbery Pryse, of Gogerddan, against vexatious law suits arising out of a favourable verdict he had obtained against the Society of Mines Royal. Henceforth, landowners were free to work all minerals except precious metals on their estates. Price's part in this might be regarded as a dummy-run for his great campaign against the Portland grant in 1696.<sup>29</sup>

The table on p. 80 shows the number of second-reading and investigative committees which Robert Price served but it does not reflect the variety of subjects which they covered. His legal knowledge and experience were



valuable assets for certain requirements such as the reform of procedure in the Westminster courts, the Welsh judicature and, at local level, the Quarter Sessions and office of sheriff. He was of sufficient standing to chair a committee to regulate procedure in the Crown Office and to carry the bill to the House of Lords. Private bills related to property, which usually came down from the House of Lords, sometimes inundated parliamentary business. For some predicaments, a private bill was the only means of redress, as A.L. Erickson has shown that the Common Law provided no remedy and resort to the Chancery Court was slow and expensive.<sup>30</sup> Some bills sought power to dispose of estates to pay debts or to remove legal restrictions like entail. Marriage settlements were often complicated affairs whilst a minority in a family called for measures to facilitate the administration of an estate. Wills often needed sorting out, and Price was concerned with one important piece of legislation which brought persons resident in the province of York into line with residents in the province of Canterbury in enabling a testator greater freedom to dispose of his estate. The rights of widows were considerably enlarged and committees frequently improved bills to the advantage of the client.

The plight of prisoners for debt, which was a subject of public debate, and the incidence of fraud, were subjects investigated. The improvement of utilities such as transport, was done by private bills whilst urban improvements called for cleaner, better-paved and well-lit streets.

Price was only too ready to serve on a committee to augment the revenue of the diocese of Bangor as a devout Churchman. He may have had more personal motives for deliberating on tithes and advowsons since his family in North Wales were notorious impropiators.<sup>31</sup> His interest in the tithe question got him elected to a conference with the House of Lords on the subject. Clandestine marriages and gambling on lotteries were aspects of moral reform which he espoused.

In 1693 Price was named as one of the twenty-one Members to manage a conference with the House of Lords to consider an alleged libel committed by Bishop Burnet. He had published an anti-Jacobite pamphlet in 1692 in which, Goodwin Wharton alleged in a debate on 30 November 1692, the bishop had come very near to describing King William as a 'conqueror' rather than as a 'deliverer'. The pamphlet was condemned as libel and ordered to be burned by the common hangman. Robert Price was no friend of Burnet but he would have readily endorsed such an opinion.<sup>32</sup>

The 1690/5 Parliament was long enough for Price to have completed his apprenticeship and to make him known as a spokesman for Wales and as a conscientious and industrious parliamentarian.

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## 5. The Portland Grant

Both the King and his Whig ministers were becoming aware of a growing spirit of contention in the last session of the 1695 Parliament and to avoid further embarrassing investigations into corruption, William wanted to dissolve it. In anticipation of successes at the polls, the Whigs were also desirous of an early election. Robert Price was apprehensive that if their hopes were realised, a number of persons might be admitted to Parliament who would exacerbate the King's autocratic tendencies. His favouritism to his Dutch friends was becoming ominous when he ignored legal propriety in presenting the Earl of Rochford with the estates of the Marquis of Powis despite the fact that Powis had vested them in trustees before he followed James II into exile. The conduct of the Whigs over the Lancashire Plot in 1694, which Robert Price deplored,<sup>1</sup> had branded them likewise as predators who had hoped to profit from the estates of persons indicted for treason. From his entry into Parliament Robert Price had shown great interest in the confiscation of the estates of Irish rebels, reflecting an anxiety which was common to Welsh Tory MPs who had never recognised William III's title as other than de facto.<sup>2</sup> At a period when economic development in their area was increasing wealth which fed their social aspirations, the gentry of north-east Wales were apprehensive of any signs of threat to their well-being, especially at a time when the Council and Court in the Marches, which had been the focus of Welsh administration, had been abolished. Their anxiety was reflected in their conduct of opposition in Parliament, the Marquis of

Carmarthen failing to find more than two potential supporters of the administration in his lists between 1690 and 1692.<sup>3</sup> When William III decided in 1695 to reward his favourites with extensive grants, one of the largest being in Denbighshire, the Welsh gentry had a real cause for concern and this was shown at the election of that year by their solidarity, Wales producing only one contested election.

Social conditions in north-east Wales have not been systematically studied for the 1690s but the county of Montgomery has produced a recent study which shows many features in common with Denbighshire. The distress which affected most parts of the country in the years 1693-6 had more specific causes in Denbighshire. Outbreaks of violence were spontaneous but on a small scale and usually arising from personal grievances, attacks on bailiffs, excisemen and constables being of their nature as the records of the Court of Great Sessions testify.<sup>4</sup> The appointment of a second Justice of Great Sessions in the three north-east counties was considered a matter of urgency 'in consideration of the great and grave causes, matters, questions and ambiguities of law daily increasing in the said county (sic) to the great delay in the administration of justice there'.<sup>5</sup> Despite the antipathy felt in Wales against King William, outbreaks of violence bore no political character and even the strong Tory sympathies of most of the gentry produced no overt Jacobite protests. The gentry, whatever their feeling, were careful not to stir up popular agitation and many of them shared with the freeholders their dislike of the encouragement which some manorial lords gave to squatters on

common lands. There was nothing in the nature of 'social banditry' where attempts to enforce popular justice were made against social grievances. Nevertheless, it may be argued that there was ample evidence of a 'plebeian culture' which E.P. Thompson has identified as underlying much social protest, and this was accentuated in this area by its Welshness. When Bishop William Lloyd was translated from St. Asaph in 1692, Queen Mary was urged to ensure the appointment of a Welsh-speaking successor, since this diocese was the main upholder of the cultural and literary traditions of Wales. J.V. Beckett has also argued that symptoms of instability included cultural aspects as well as the assertion of community interests. These have been described in North Wales by Professor Beverley Smith as the observance of ancient rights incorporated in statutes and grants by Crown to communities as the foundation of a modus vivendi.<sup>6</sup> The threat implied by King William's grant of the Denbighshire lordships to the Earl of Portland, threatened the very basis of that mutual relationship and succeeded in cementing a community of interest between gentry, freeholders and tenants.

The lordships of Denbigh and Bromfield and Yale were two of the four lordships which had been incorporated in the new county of Denbigh by the Act of Union of England and Wales in 1536. The tenants, however, continued to pay fines, rents and dues to the Crown as they had done to the marcher lords, and administrative and judicial courts continued to function under local officers. The tenants for their part continued to enjoy their traditional rights and privileges which were recognised and confirmed by the Crown. From



time to time, to raise money, the Crown had readily granted leases and converted copyholds to freeholds with little regard to long-term consequences. The first and only alienation of lordship was made by Queen Elizabeth when she granted the lordship of Denbigh to the Earl of Leicester, who introduced tenurial reforms to augment revenue and set about to discover concealed lands. Enclosure of common was the last straw which provoked the tenants into armed resistance which was followed by reprisals in which three young scions of the Salusbury family, the premier gentry family in the county, were hanged. The sequel of the Leicester episode was that the lordship was resumed by the Crown and none was alienated thereafter. The tenants of the lordships always felt safer in the custody of a distant Crown than under an immediate lord. Even when a local magnate of the Myddelton family of Chirk tried to buy the lordship of Dyffryn Clwyd in 1660, tenant opposition was strong enough to defeat him, many of the tenants being of gentry status.

The Crown had never successfully exploited its right of lordship financially despite initiating surveys and enquiries from time to time with a view of raising revenue; the power of patronage attached to lordship usually took precedence. In 1684, when a commission of enquiry was set up, it was manned by local gentry led by Sir John Trevor and succeeded in deflecting any blow which might have been detrimental to their interests.<sup>7</sup> The tenants for their part were content to pay their customary dues and to render a mise of 600 marks whenever a new lord came into possession at the creation of a new Prince of Wales. Alienation of parts of the lordships by the Crown had

occurred during the seventeenth century but they had been of small areas and local people were the usual beneficiaries. The return of the lordships to Crown control in 1660 after the Interregnum was welcomed, but the uncertainty which followed the Revolution of 1688 was a cause for renewed anxiety. Dr. Mullett has noted a feeling of isolationism in Lancashire which nurtured a spirit of independence which bristled at outside interference, and this was not uncharacteristic of Denbighshire, further accentuated by difference of language and culture.<sup>8</sup>

After the Revolution of 1688, the political dimension assumed a greater importance. Professor Plumb has drawn attention to the political influence which was attached to the stewardship of lordships, for which reason the Crown sought to control them.<sup>9</sup> The fact that two of the three contributory boroughs which returned a Member to Parliament were in the two lordships, Denbigh in the lordship of Denbigh and Holt in Bromfield and Yale, offered an opportunity to create a rival Court interest to the Country interest upheld by the Myddeltons of Chirk who controlled Ruthin, the third borough. The Country interest was largely dependent on the political patronage which stewardship of the lordships gave to the greater gentry, who usually monopolised the office and used it to ensure support by appointing their satraps among the lesser gentry to minor offices. The 1685 election, when the Crown had sought to foist its candidate, Sir John Trevor, on the boroughs had come near to destroying the political equanimity and caused the gentry to close ranks and remain a solid phalanx.

The dominant political interest in Denbighshire was distinctly Tory but, after 1688 William III showed no particular inclination towards either party and in this climate of uncertainty, applications for favours came from all sides. Sir Rowland Gwynne, a Court Whig who had come over with the Prince of Orange, had been rewarded with the stewardship of the lordship of Maelienydd in Radnorshire to the great discomfiture of the Harleys. In Denbighshire, Sir Robert Cotton made a bid for the stewardship of the lordship of Denbigh, held by the Tory Sir John Wynne of Melai with Myddelton support, thus hoping to strengthen the Whig interest in the county. It was opposed by Edward Brereton, another Myddelton ally, and Sir Thomas Trevor, a Court Tory.<sup>10</sup> These were internal struggles for local power which might temporarily tilt the balance, but control would still be maintained within the county and within the gentry class. It would be otherwise if a latter-day Leicester was placed over them which would deprive them of all control, and against which eventuality it would be imperative to close ranks.

An Act of 1693 which broke the monopoly of the Society of Mines Royal and allowed landowners to mine for minerals on their estates, greatly enhanced the value of the lordships. Denbighshire and Flintshire were already becoming areas of economic development due to the initiative of enterprising landlords like the Mostyns, Myddeltons and Grosvenors. It was known that there were rich deposits of iron, lead and coal underground in the lordships, particularly under the waste lands and local interests were intent on reaping the benefits for themselves and combined to repel intruders. A survey of royal grants in

North Wales made at the end of Charles II's reign disclosed that many leases had been made for mining purposes, and to bring it up to date the Surveyor General of Crown lands was instructed to draw up particulars of all mines and minerals in both Denbigh and Bromfield and Yale.<sup>11</sup>

It was not with a view to financial returns nor a desire to exploit the patronage aspect of lordship that William III decided to alienate the two lordships in 1695, but a wish to reward his friend Hans Wilhelm Bentinck, created Earl of Portland. Opposition was not expected since so many great English families had themselves been recipients of royal bounty. The statement made by Cobbett, that Portland had begged the grant of the lordships from the King just before he embarked for Flanders for the spring campaign in 1695, does not hold water.<sup>12</sup> The initiative appears to have come from the King and the warrant for the grant had reached the Treasury by the first week in May at the latest, probably at the same time or soon after the grant to the Earl of fee-farm rents in seventeen English counties which was recorded on May 1st. A copy of the grant, which had probably belonged to Sir William Williams, has survived in the Wynnstay papers in the National Library of Wales. When one considers the bulk of this document, one can only conclude that the preparation of the grant had been long in the making. The document is written in Latin and is a detailed recital of the properties included in the grant, their location, their occupants and their value.<sup>13</sup> The Auditors of Crown lands must have been consulted and, having regard to the chaotic state of their records in Wales, the task of identifying properties on diverse lettings must

have taxed the compilers over a long time. Samuel Travers, the Surveyor-General to the Lords of the Treasury, was instructed to draw up a report which he had presented on 26 April. This was in English and was accompanied by particulars setting out all the properties in (a) Bromfield and Yale with rents amounting to £753.14s.; (b) the lands of the late monastery of Valle Crucis to the value of £224.5s.10d, and (c) the lordship of Denbigh amounting to £726.2s.8d. In a postscript it is stated that these rents did not take into account any royalties for minerals, profits from mines or improvements.<sup>14</sup>

These preparations had gone on in secret but when the grant reached the Treasury, word soon got around and, it was very likely, leaked. Though some Welsh MPs had left London at the end of the session, a few took upon themselves to make representations to the Treasury Lords requesting a hearing. They were given audience on 10 May when about thirty gentlemen from the House of Commons appeared at the Treasury chambers, the senior among them being Sir William Williams. He was accompanied by Sir Roger Puleston, Sir Robert Cotton and Robert Price as spokesmen, all having property in the area affected by the grant. William Lowndes, Secretary to the Treasury, took minutes of the meeting but wrongly identified Puleston as Edward Brereton. It has always appeared that the person who led the opposition to the grant was Robert Price but, at this stage, it was Sir William Williams who took the lead, possibly on account of his seniority. His submission was also the one that was minuted at greatest length and later

publicised. Having had so little time to prepare, their submission was hurried and they prayed that the Treasury lords would improve upon it in their presentation to the King. A letter dated 18 May 1695 from Robert Price to the Duke of Beaufort gives a fuller account, especially of his own contribution than appears in the Treasury minutes where what Lord Godolphin described as 'high expressions' were excised.<sup>15</sup>

Sir William Williams declared an interest at the outset, mentioning that a great number of gentlemen both present and absent were similarly placed.<sup>16</sup> He confined his observations to a statement of fact as to the legal considerations which were raised by the grant, drawing attention to its magnitude, being valued at about £2,000 per annum. The tenants, he asserted, had never had a lord over them but the Lord of Heaven and the King to whom they had been faithful in their allegiance, having eschewed rebellion except when drawn in by neighbouring Englishmen. He explained how the lordships stood in relation to the estate of the Prince of Wales of which they were an inseparable part, having been annexed to the Principality by Acts of Parliament and so, Williams thought, could only be separated from it by Act of Parliament. The Prince had his revenue, his courts and his officers, and the tenants were liable to him for mises of £837 when he entered into his Principate. Sir William could foresee great disputes arising over royalties and other dues as tenants would be confused between the King's patentee and the Prince. Suits would multiply as the new lord would be likely to cast 'eagle eyes' on the potential for mineral exploitation which would 'touch every man

in his vitals'. Probably the most telling point that be made and the one which most arrested the attention of the Treasury lords was, that when the fee-farm rents of the Duchy of Cornwall were sold by Charles II in 1671, those of Wales were expressly excepted which was taken as proof of their inalienability. What Parliament would not then allow to be sold, was now to be given away. The Treasury lords were reminded that their predecessors had been saddled with responsibility for giving effect to this Act. Expressing some scepticism about the outcome of their objections, Williams advised that whatever it was, it were better to proceed by Act of Parliament than by letters patent, evidently intent on bringing it into open forum. Sir Roger Puleston added that the revenues from the lordships went to support the government of Wales by paying the salaries of judges and other officers.

By way of preface to his account of the Treasury meeting, Robert Price, in his letter to Beaufort written a week later, recounts the numerous grants made to the Earl of Portland and other courtiers in England. What riled Price most was the grant of the Marquis of Powis's (Duke, Price says) estate in Wales to the Earl of Rochford which he regarded as extremely high-handed. He then went on to give an account of the Treasury meeting which runs to four closely-written pages compared with the seven-line report given by Lowndes.

In his submission, Price fixed upon the size of the grant alleging that it took up five parts in six of the whole county and which, though fitting for a prince, was too large for a subject, especially a foreigner. He asserted that it was

insensitive, since it showed no consideration for the sentiments of subjects whose pride was too great to be subject to a foreign lord. The lordships encompassed some fifty manors and about 1500 freeholders, besides thousands of acres of waste and common that were mineral-rich and worth £1,500 a year. All or most of the gentry of the county were tenants of the King and paid suit at his courts which were regularly kept; thereby, they stood in a dual relationship to the King as subjects and as tenants, both of which commanded their allegiance. The danger was that if the King loosened the bond of their relationship as tenants, it would impair their relationship as subjects as well, since it was observable that 'interest and property has an ascendant over duty'. Commenting on the marcher origins of the lordships, Price alluded to the 'Norman yoke' under which the tenants had laboured, this being a common theme at the time to justify the Revolution of 1688 against Stuart tyranny. It could also be interpreted as a reminder of the recent successful invasion of England by William III as a conqueror and the despotism he sought to impose as a consequence.<sup>17</sup> The British (meaning Welsh) were only liberated from oppression by a prince of their own blood, Henry VIII, who conferred upon them the same benefits of law as the English enjoyed. This had rendered them happy till the present when King William threatened to 'desist' them from his crown by putting them under a foreign lord who might create a worse situation than the Norman yoke. Price was emphasizing the point that if relations between Crown and community based on mutual respect broke down, it would be due to the failure of the Crown to identify with the people, William being an utter stranger to Wales.



Price drew further examples from Wales's history to exemplify royal tyranny, notably Henry IV who imposed penal legislation upon the Welsh for no other reason than their loyalty to Richard II, 'their rightful though unfortunate King', thus emphasizing the Welsh respect for legitimacy, reminiscent of Wales's adherence to the Stuarts which has been an oft-repeated historians' cliché. He reverted to the argument of the need for community of interest between Crown and people when he asserted that both Henry IV and Henry V never 'had peaceable or happy days till they reconciled themselves to a great people', which, in reality, they never did, and which contradicted his earlier reference to Henry IV's tyranny. Ignoring the illogicality of his argument, he went on to refer to Owain Glyndwr, 'an inferior person of the long robe', who had roused his neighbours to resist the encroachment upon their rights by an English lord, to become 'the terror of the English nation'. Price was undoubtedly carried away by this flow of oratory which came near to threatening a similar reaction if Lord Portland was thrust upon them. It was an evident embarrassment to the Treasury lords who were submitted to this harangue, Lord Godolphin describing it as 'high expressions which I am unwilling to repeat as I was indeed to hear if I could have helped it'.<sup>18</sup>

In a more sober mood, Price then considered the legal implications of the grant. Because the lordships provided a revenue for the Prince of Wales, the King's entitlement to it was somewhat dubious. When there was no Prince, the money went to the Crown as a 'usufructuary' only, until a Prince was created. Price raised a question which had first been posed by a statute of

James I in 1624 as to whether a Prince or a King who had only a life tenure in the revenue could make grants whose terms extended beyond their own lives. The statute added that the Prince had an estate of inheritance in a special form of limitation which differed from the usual rules of inheritance in Common Law, which made it necessary to have confirmation by Act of Parliament.

Price then turned to precedents for the resumption by Parliament of grants made by kings especially in times of war when subjects were oppressed by taxation, no doubt having a contemporary parallel in mind. At such times, he thought it meet that the King should commiserate with his subjects' hardships, and wondered how it would reflect on the honour of King William when it was realised that he was depleting the revenue by giving away the Crown estate to foreigners. Price evidently held to that outworn notion that in peacetime the King should live of his own from the revenue drawn from customs, excise and the Crown estate, but of the last source there would be nothing left at the rate the King was giving it away.

Lord Godolphin, First Lord of the Treasury, enquired if these lordships had not been gifted to the Earl of Leicester in Queen Elizabeth's time. It was an unnecessary question since Godolphin had some familiarity with the area through family connections, and probably had some community of interest with the petitioners. Sir Robert Cotton, who had married into the Salusbury family, replied, recounting the part which his wife's family had played in thwarting Leicester and the reprisals taken against them. He added that only

one lordship was involved in that conflict which humiliated Leicester and annoyed the Queen to the extent that she recalled the grant. The implication of these historical precedents for the contemporary unstable situation with Jacobitism still a real threat, was not lost on Lord Godolphin, as he revealed later to Lord Portland.

In concluding his letter to Beaufort, Price expressed doubt as to the outcome of their protest, the warrant having been signed by the King before they were heard at the Treasury. Price thought that they may have given the grant 'a small slip', but what he feared most was 'clandestine proceedings' by the Court. It became known that the grant had been passed on to Privy Seal whence the petitioners again followed it, and again made their representations which were heard by the Lord Privy Seal 'with all candour and goodness', and they left with the hope that their case would be truly represented to the King.

The Treasury lords were less moved by the bluster and posturing of Price and his colleagues than by a technical fault in the grant which caused them to delay its passing. That was the exception which had been made in an Act of Parliament of fee-farm rents in Wales which was interpreted as a recognition by Parliament that the Welsh revenues were inalienable and reserved to a Prince of Wales. There was also a political consideration. With an election impending, the Crown could not afford to offend the country gentlemen who might be disposed to make a common cause with their counterparts in Wales and the borderland over the grant. The King was in Flanders and the

correspondence between William Blathwayt, Secretary-at-war, who was with him, and William Lowndes, shows a growing indignation at the tardiness of the Treasury in passing the grant due to the apprehension of the Treasury lords concerning its constitutional and political consequences.<sup>19</sup>

Meanwhile, Lord Godolphin had been in direct contact with Lord Portland, and in a letter of 7 July<sup>20</sup> he laid out the grounds for the Treasury's objections, some of which were considered of so much weight that they did not consider it a 'seasonable time' to press the finishing of the grant. He referred to the trouble in Queen Elizabeth's time which indicated some anxiety that it might recur in such unsettled times as they were going through. Godolphin wanted it to appear that the decision concerning the grant was solely the King's responsibility having considered all objections, so that it could not be held that he had been wrongly advised by his ministers.

Writing to congratulate the King on the capture of Namur, Godolphin on 6 September<sup>21</sup> anticipated that that victory would facilitate the government's business in the coming parliament but warned of some difficulties which lay ahead. He particularly identified the Portland grant as one, the King still being insistent that it should be proceeded with. In justifying the delay in passing it, Godolphin thought that the King should know the reasons, particularly the likely political consequences in prospect with a Parliament containing many resentful gentlemen. Godolphin had throughout been more pessimistic of success for the grant than any other minister, but his efforts to

dissuade the King were unavailing because other advisers were encouraging him to persist. Sunderland, though not a minister was an eminence grise behind the scenes, thought that the protest was but 'a great noise' being carried on maliciously and which could be ignored. Some of the King's friends, he conceded, would have it stopped but he thought that the only way to dispose of the matter was to have it pass.<sup>22</sup>

To Robert Price's dismay, the King received encouragement from an unexpected quarter. By mid- 1695, Harley and Foley were showing a better disposition towards the Junto ministry and, in July, negotiations were passing between the two parties. Harley was assured that the King bore no ill-will towards him and he reciprocated by promising to do what he could to dissipate resistance in the Welsh Marches to the Portland grant.<sup>23</sup> It seems unlikely that Price had taken counsel of the Harleys upon this issue, knowing that they were amongst the worst predators in the middle March who had long conspired to impose control over the lordship of Maelienydd. Price could not have been enamoured either of the overtures which Harley and Foley were making to the Junto which must have appeared to him as a betrayal of 'Country' principles in a bid for power. Despite his friendship with the Harleys, Price had not as yet identified with their politics and he remained a committed Tory on the pattern of the majority of Welsh MPs. The Harleys' role in the Portland affair could not but have distanced him further from them.

After Godolphin's letter of 6 September to him, the King temporised and investigations and discussions went on at the Treasury well into the autumn which involved the Auditor and Receiver of Crown revenues in Wales up to the level of the Attorney-General. A further petition from 'the gentlemen of Wales' was submitted which showed that parcels of land were included in the grant which had already been allotted in fee-farms. It was also urged that the £10,000 which the tenants had paid by way of composition for their fee-farms and privileges should be taken into account. The objectors had instructed Sir Thomas Powys to act for them and he was no doubt primed by his old friend, Robert Price. It soon became evident that if the grant was to proceed that it would need re-drafting, the Attorney-General conceding that it would have been better if rents not land had been granted.<sup>24</sup>

It can be surmised that Robert Price was very active in pressing matters in London. Over a period of eight months, there was a concerted effort to organise grass-roots protest in Denbighshire by drawing up petitions to which freeholders, tenants as well as the gentry were invited to add their names. The protest was led and mobilised by the gentry, and demonstrated a community of interest between them and their social inferiors which was unlike the conflicts which often lay behind much social protest. It conformed more to the pattern described by Dr. Mullett where popular culture influenced popular politics.<sup>25</sup> What added respectability to the protest was the launching of a fund to finance it to which the gentry at least contributed.<sup>26</sup> It was by nature constitutional, the objective being to urge Parliament to provide redress and

the Tory gentry on this occasion showed no abhorrence to petitioning. In the election in October 1695, Radnorshire and Brecknockshire, the battleground between the Harleys and Sir Rowland Gwynne, were the only constituencies where contests occurred, the rest of Wales being rock-solid behind the Members who had thrown down the gauntlet.

Having passed the Recoinage Bill, a bill to outlaw treating at elections and a bill to reform procedure in treason trials, all of interest to 'Country' Members, the House of Commons was presented with a petition for an address to the King to stop the grant to the Earl of Portland. Before the petition was presented, there must have been considerable lobbying and discussion of strategy since the petition was presented, not by any of the Members who had been foremost in its organisation but, by William Bromley of Warwickshire, a prominent and respected Tory, soon to join Harley and Foley on the Commission of Accounts. The petition had been signed by nine MPs, six Welsh and three English, all broadly from constituencies in or adjoining the area affected by the grant except Robert Price who signed as a Denbighshire landowner. The petitioners emphasized that they were speaking not only for themselves as landed proprietors but for all the tenants and inhabitants of Denbighshire.

The petition rehearsed many of the points made at the Treasury but which were new to the House of Commons, dwelling on the size and value of the land involved and which belonged to the Principality of Wales. The

considerable revenue which devolved to the Crown or Prince of Wales from it was to be gifted to the Earl of Portland for a rent of 6s8d a year. Much of the ancient estates and inheritances of the petitioners were involved, to their prejudice as well as to the loss to the Crown and Principality. Having failed to arrest the progress of the grant, the matter was now presented for consideration by the House, not as a local issue as much as a national grievance.

Robert Price opened the debate in a memorable speech. The choice of Price as mover rather than the better-known Sir William Williams may have been due to the fact that he was a less controversial figure in view of Williams' erratic political career. Price did, however, incorporate in his speech the substance of Williams' submission at the Treasury but it was not a re-hash of what was said there. He omitted many of the 'high expressions' which Lord Godolphin had taken exception to and which had controversial implications, probably on considered advice. His speech was more muted but showed much subtlety, sometimes resorting to satire and even to sarcasm, but with the occasional humorous sally. It was carefully crafted and designed to make a favourable impression without causing overmuch contention. He emphasized that though the petition might be provincial in its origin, it was national in its implications.<sup>27</sup>

Price denied that the thousands of his fellow-countrymen for whom he spoke were motivated by self-interest, rather than by a sense of the honour of the



Crown and the welfare of the nation. He distinguished between the Crown and the person of the King and assured his hearers that he did not seek to derogate from the prerogative so much as to prevent the alienation of the King from his subjects. If he thought that the glory of England was best maintained by a landless Crown and a needy people, then he would advise giving all its possessions away since the people would be best protected when they had nothing to lose. But, he thought that this state of affairs had no appeal to anyone except foreign politicians who hated the English even if they revered the King. This was an early sally against William III's Court, peopled by his own countrymen.

Price confidently asserted that the surest foundation for a successful reign was the affection of the people, which was usually freely granted when they were convinced that the King had their interest at heart, and had as much love of the English soil as of the people's money. This was a barely disguised insinuation that William had failed to win the confidence of his people, especially in Wales. The royal position, he argued, was most stable and durable when interest was coupled with power such as existed when people held their tenures under the Crown. Price had argued at the Treasury that the tenants of the lordships involved were more contented under the direct lordship of the King than under a mesne lord, and he was but generalising on that theme here. Union and dependence were increased by their mutual interest when the subjects contributed to the royal revenue, whilst the separation of revenue from the Crown had in all ages, he reflected, rendered

government precarious, and the intention behind their petition was to prevent such a state of affairs transpiring.

Price reminded the Members as he had done the Treasury lords, that the lordships had traditionally been part of the revenues of the Crown and the Prince of Wales when there was one. They had been settled upon them by sundry patents and confirmed by Acts of Parliament which behoved Parliament still to make it its concern. The lordships had over 1500 tenants who paid rents and suit of court at the lordships' courts. The size of the grant, amounting to four-fifths of the county, made it a larger gift than was suitable for any subject, being on a princely scale. The petitioners had been alarmed to discover that some £3,000 worth of their countrymen's ancient inheritance was included in it. From the lordships, over £1,000 was collected in rents annually though, he might have added that they were already depleted by previous grants made by William. In addition, fees were derived from court perquisites and royalties from mines with a potential for much more from the mineral-rich wastes. Price described the grant to Portland as 'a noble royal gift' whose value he estimated at £100,000, and that not for a short period but in perpetuity to the Earl and his heirs for a rent of 6s8d a year. He could not forbear a reference to an earlier gift by Queen Elizabeth to the Earl of Leicester which had caused endless lawsuits, and ended in armed resistance which had impelled the Queen to recall the grant and to confirm the tenants in their tenures for which they had compounded.

Having recounted their appearance at the Treasury only to discover that the grant had been passed to Privy Seal where it still remained, Price 'doubt[ed] not but it will find legs and take its journey' once Parliament rose. Hence the petition to the House as the only redress of a grievance.

Price then embarked on a historical survey of the lordships but his selection of examples differed from what he had made at the Treasury, omitting mention of their medieval origins. He started with James I who had settled the lordships on his son Charles as part of his Principality when he was created Prince of Wales. The Prince's servants had wheedled some grants out of the lordships, much to the vexation of the tenants who again made a composition of £10,000 in order to secure their peace. In return they got further confirmation of their rights which was endorsed by Act of Parliament. Court favourites had frequently cast an eye on this prize to the great apprehension of the tenants who feared that any magnate would set out to exploit the potential of the lordships. He made a favourable reference to James II, 'however calumniated', who had rejected all applications for a grant of the lordships as being too powerful a gift to repose in a subject. But that, he added, was only for a part of the lordships, so what of the grant of the whole as was now contemplated? This complimentary reference to James II was as near as Price ever got to making an overt statement of any residual Jacobite sympathy, though it was qualified elsewhere in his speech by due deference to King William.

In contradiction of what he had described as the benign lordship of the Stuarts, he quotes Charles I and James II, the one having lost his head and the other his crown, as a warning to rulers who meddled with such 'ominous bounties'. It was a very tenuous argument to connect their misfortunes as having anything to do with the lordships. It was to Charles II's Long Parliament, not to the King, that he attributed the wisdom of excepting the Principality of Wales when a sale of fee-farm rents in England was made. Price took that to be an acknowledgement that there was a limitation upon the alienation of these rents which were necessary for the support of the Prince since, on the creation of a new Prince, the tenants paid a mise of £800 on his entrance into his Principality, emphasizing that this was inseparable from the Principate.

In a series of rhetorical questions, Price came to the nub of the matter. How could the tribute to the Prince be reconciled with the Portland grant? Did the payment of a mise recognise a quasi-Prince? Or, would the tenants be required to make a double payment? Price opined that if the revenue and the title were separated that it would create a repugnancy in the tenure of their estates. With a turn to sarcasm, he surmised that the grant was but a forerunner of the title as well, which would create an unprecedented situation since the title was never conferred but on a King's son.

In such a situation, Price concluded that a return would be made to 'our original contract', by which he did not mean the one so much talked about at the Revolution but to the Statute of Rhuddlan, 1284, when Edward I settled

the government of Wales. This gave him an opportunity to indulge in some badinage. He recounted the story how Edward I had presented his son to the Welsh as one who knew no English; but, since he was a babe in arms, he knew no Welsh either. This led him to conclude that the Welsh would not again be duped, supposing that 'this lord does not understand our language, nor is it to be supposed he will come amongst us to learn it, nor shall we be fond of learning his.' The Welsh original contract, he continued, was of long-standing, but some seven or eight years ago, there had been talk of another contract, now rarely mentioned, but which was the foundation of the present government as incorporated in the Bill of Rights. Professor Kenyon has commented that the contract theory was infrequently talked about till 1694 and hardly at all thereafter, which confirms Price's assertion.<sup>28</sup> Having regard to the Bill of Rights, Price asked whether the king had any right to alienate his inheritance by renouncing his absolute fee in the Crown lands. The king was only tenant-for-life with remainder in succession, so how could he dispose of the revenue? Did this imply that the king had a longer estate in the revenue than in the crown? He assumed the Members would agree with him on this question.

Price then turned his guns on the ministers. On the principle that the king could do no wrong, he sought some justification of King William's conduct and attributed it to his unfamiliarity with our laws, he being 'a stranger to us and we to him'. Not only was he a foreigner but he also took counsel from his Dutch courtiers in a Cabinet Council in preference to the Privy Council. This

objection was later to be incorporated in the Act of Settlement which debarred foreigners from the Privy Council. Price was not alone in seeking to know who gave advice and what advice was given. Who, for instance, had passed the grant and gave advice contrary to law? He accused the counsellors and ministers of violating laws which had been considered a crime in the reign of James II, and of undermining the succession and tearing up the Bill of Rights. They had failed in their duty of advising the king on the extent of his power and interest especially as to the revenue which was inalienable. He sneered that 'Court casuists' had a way of advising the use of the prerogative to dispense with oaths whenever 'their interests ... goes along with their counsel.' Many polemicists had justified the Revolution on the grounds of having restored the status quo violated by James II, but Price asserted that whereas under the 'old law' the coronation oath had forbidden the sovereign to alienate the Crown patrimony, the new-fangled oath neglected to do so.

Jonathan Clark has considered the debate about the role and effectiveness of Parliament after 1688 and has concluded that it was not as central to government as was traditionally thought.<sup>29</sup> Robert Price had very definite ideas about its role, seeing it as maintaining a balance between king and people and acting as a check upon arbitrary power. In this mediative role, it had historically resumed grants made by the sovereign when it considered they had been too bountiful, at least one act of resumption having been made in every reign between Henry II and Henry VIII. He did not consider that it in any way derogated from the prerogative of the Crown which he distinguished

from the person of the king. Price had evidently shed every notion of divinity as surrounding the royal person, holding that the king was only human. Kings were surrounded by courtiers and favourites and were not immune to flattery. All the more reason, therefore, why Parliament should interpose when occasion demanded. Indeed, it was the role of the House of Commons to be ever watchful for expense both at home and abroad and especially on the king's largesse to favourites.

Casting his eye somewhat further afield, Price indulged in a bout of xenophobia to which he was prone. Dr. Mullett has interpreted this phenomenon as an expression of anti-Whiggery and anti-Dissent, Dissent being commonly associated with the Dutch.<sup>30</sup> He has noted its prevalence in some areas of England, to which Wales could be safely added, it being said that 'the Ancient Britons have no kindness for the Dutch.' Britain was an island, Price reminded his auditors and, not immune from invasion, the last successful one by the Prince of Orange being of recent memory. Parliament was always jealous that we should not be outdone either in trade or naval power by any other country. Foreigners should be kept at arm's length and should only be entertained for the purpose of legitimate trade. Referring to the on-going war, Price noted that one of our confederates was our enemy in trade, meaning the Dutch but, even so, they were 'planted among us'. He even detected a conspiracy between our confederates and the Scots to ruin our trade. To admit foreigners into the royal counsel was bound to make the people uneasy till they were removed.

Having listed a number of foreign favourites who, from time to time, had been removed from the royal court by popular protest against their greed, he instanced King Stephen who was only king de facto having usurped the throne from the Empress Maud. Henry II had been prevailed upon to revoke the exorbitant gifts he had made to a court favourite who was a Netherlander and to banish him from the kingdom. The reference to a de facto king described King William to many of his hearers. After naming other kings who had suffered similar predicaments, he rounded off by asserting that 'England was able to foster none but her own children'. In character, he was opposed to the naturalisation of foreigners be they Dutch or Huguenot, conforming in this to an identifiable High Church attitude. He was not convinced by the argument that they brought economic benefits, rather that they impoverished the country and deprived natives of employment. He instanced the debasement of the coinage as another grievance, when good coin was spent abroad and debased alloyed coin from Holland came in. He emphasized that our interests in point of trade were at variance with the Dutch and yet 'this great lord', meaning Portland, was both in the English and Dutch counsels, the inference being that he would always incline towards the Dutch. He could foresee a day when the country would be reduced to poverty; 'we shall [then] be supplanted by our neighbours and become a colony of the Dutch' since 'this great man makes us little and will make the Crown both poor and precarious.'

Price then turned to what seemed at the time an unlikely event, when there would again be a Prince of Wales, though his hearers must have been



conscious that there was one in waiting at St. Germain's. What he wanted to stress was that whenever that should be, the Prince would find himself landless. Which invited an allusion to King John, who had received a crown of peacocks' feathers from the Pope in derogation of his power and the poverty of his country, which led to his peroration, delivered in typical Welsh 'hwyl'. 'We are Englishmen,' he declared, 'and must, like patriots stand by our country and not suffer it to be tributary to strangers.' Having up till then emphasized the distinctiveness of the Welsh and their different cultural identity, it seemed strange to hear him declare themselves to be English, a point that was noted by John Oldmixon. This was, however, quite typical of the dichotomy which had settled on the minds of the Welsh gentry in their efforts to prove themselves in all things equal to the English while conscious of their duty as patrons of the native culture. He ended his peroration by reverting to an attack on the Dutch as the authors of our moral and spiritual, as well as our economic, decline. Having driven out Popery and slavery, he asserted, we were now threatened by Socinianism, which was usually ascribed to Dutch origins. He may have been appealing to the moral reformers in Parliament, as Dr. Hayton has shown<sup>31</sup> that the moral reform movement was often diverted to anti-Catholicism and anti-Dissent, and this was notably the case in Wales. Price concluded his speech with a warning that appealed to the spirit of 1688, that once the people had surrendered their rights, their liberties would soon follow.

Price made it clear that what he sought was the redress of a grievance, and not to punish Lord Portland but to get rid of him for good and all. 'I shall beg that he may have no power over us, nor we have any dependence upon him,' he declared. With that, he moved 'that an address he presented to His Majesty to put an immediate stop to the grant'. The motion was carried unanimously, the ministerialists sitting silently because they realised it was to no purpose to try to resist it.

One Member commented that 'the speech left nothing unsaid', which was an apposite remark since Price had distilled into it all that the Country Members found objectionable in King William's rule. There is no doubt that this forensic display added to his parliamentary stature but it put the King permanently against him. He was popularly accorded the sobriquet 'bold Briton' and 'patriot of his native country'. Macaulay cast a jaundiced eye on the publication of his speech in 1702, stating that he would have better deserved these encomiums 'if he had published his impertinence while William was still living.' That would have been in breach of the privilege of the House, something which Price was very jealous of. John Oldmixon, writing in his History in 1735, two years after Price's death, described the speech as 'a warm speech ... which was much taken notice of for some smart reflections in it upon the grant and grantee. It gained the gentleman the good will of the people of Wales and the Marches.' Oldmixon thought that it had reflected badly on Portland who was blamed by the King's friends and dubbed by the disaffected 'our new Prince of Wales' in derision. He was not uncritical

of Price, however, and thought that if he had spoken 'with more decency and temper', that 'applause would have been more general'. Oldmixon only gave a resumé of Price's speech, referring his readers for a fuller text to White Kennett's History.<sup>32</sup> Whereas Kennett regarded Price's speech as 'a stout and eloquent' one, Oldmixon characterised it as 'lacking soul to animate it' and of being 'full of sophistry and malignity'. He thought this not uncharacteristic of 'men of a party when they would carry a point', a comment which displayed both his and Kennett's Whiggish proclivities. Price was not lacking in a due sense of the propriety of things and having gained his end, he was not disposed to gloat over his victory. After his long letter to Beaufort on the affair he makes no further mention of it, important though it was in foiling the King's depredation of a Welsh asset, and as a precedent for further attacks upon his disposal of forfeited estates in Ireland.

After Price's motion was carried, the House resolved that 'a Committee be appointed to prepare the address'. Twenty-three Members were nominated to it and, additionally, all the Members from North Wales. Robert Price was naturally a member as were some of the leading Tories and they were all bidden to meet that afternoon in the Speaker's chamber. Three days later, William Bromley, who had presented the original petition and who presided over the Committee, made his report to the House that they had prepared an address which he read and it was agreed to.

Having referred to the terms of the grant and recited the facts which Price had presented to the Commons about its size and inseparability from the Crown and Principality, the address prayed that the grant be stopped. Such a grant, it was stated, would be in diminution of the honour and interest of the Crown, when what belonged to the Crown and should only be separated from it by Act of Parliament was conferred upon a subject.<sup>33</sup>

It was resolved that the address be presented to the King by the Speaker attended by the whole House, and MPs who were Privy Councillors were directed to find out when the King would meet them. That occurred on 22 January when the address was presented to the King. William, having anticipated the meeting, with studied ill-grace had a ready reply which was terse and to the point: 'Gentlemen, I have a kindness for my Lord Portland which he has deserved of me by long and faithful service. But I should not have given him these lands if I had imagined the House of Commons could have been concerned. I will, therefore, recall the grant and find some other way of showing my favour to him.'<sup>34</sup> Which he did by giving Portland estates in six English counties along with forfeited lands in Ireland without arousing immediate protest.

Copies of the submissions made at the Treasury were circulating in London as early as May 1695 and some had reached North Wales from London correspondents by January 1696. It is evident that the Welsh gentry in London were basking in reflected glory, being congratulated by 'some of the

best rank' as 'honest, stout, people'.<sup>35</sup> The first appearance in print of Price's speech did not occur till 1702, bearing on its title page, Gloria Cambriae or the/speech/of a/Bold Britain/in/Parliament/against/a Dutch Prince of/WALES, and the Latin motto, Opposuit & Vincit. It was published in London but cautiously omitted the printer's name. The publisher feigned in the Preface that it was by accident that he came into possession of the speech but thought it deserved to be made public on account of the good it had done. He added that it was published without leave of the author which is entirely credible in an age of so many pirated publications. He applauded the author as 'a worthy patriot' who 'saved the greatest branch of the Crown's revenues from the mercenary grasp of a foreign favourite'. He thought it met the needs of 'the honest and ingenious part of the nation' by publishing the speech, deserving as it was 'to be recorded in the best of histories, there to remain as a bold example to eternity'. He represented it as evidence that 'the Britains are not yet degenerated from their ancient generosity', from which England was also a beneficiary. He ascribed the glory to Wales and reverence and respect as owing 'to so worthy a representative who for his learning in the laws as well as honesty to his country' had a just title to it. The second edition of 1708 omits the Gloria Cambriae but has a fuller title, The/Speech/of an/Ancient Britain/in/Parliament against/an Exorbitant Grant:/Together with/Four more Speeches/spoke in/The Treasury, together with the Latin motto.<sup>36</sup> The 1708 edition omits the publisher's preface of the 1702 edition but is otherwise identical. This edition bears the name of a printer, 'Mary Edwards, against the

Golden Lion Tavern in Fetter's Lane' and was priced one penny. By 1708, it was less risky to print when controversial pamphlets were proliferating.

It was not till Edmund Curll published the Life in 1734<sup>37</sup> that an edition which carried both the submissions at the Treasury and Price's speech in the House of Commons, had the family imprimatur and it closely follows the 1708 edition which Price must have accepted as a true and faithful version of all the transactions.

The issue of Crown lands in Wales did not fade away after the Portland grant fiasco but re-appeared at various times in the eighteenth and nineteenth centuries, right down to the Welsh Land Commission Report in 1896. Whenever the matter was aired, references to Robert Price's speech were often made, sometimes quoting the full text or excerpts from it, and three translations of it into Welsh were made in the course of the nineteenth century.

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## **6. Parliamentary Politics, 1695-1702**

Fresh from his triumph over the Portland grant, Robert Price remained an active member of the opposition, participating in all the main issues which were in contention between Court and Country in William III's third and fourth parliaments. Dr. David Hayton has described the opposition as a changing group of MPs in which the Tories, to which Robert Price belonged, were the most consistent part.

The Assassination Plot dominated politics for some time and stifled the efficacy of the opposition, allowing the Court to exploit issues which were likely to embarrass and discredit its opponents, such as the legitimacy of the King's title, made more urgent by Queen Mary's death. The Whigs, especially the Junto, were seeking political advantage and branded all Tories as Jacobites and made several attempts to enforce upon them an oath abjuring King James and his heirs. The clergy was not the only profession this would embarrass; lawyers by the nature of their work had to take and administer oaths and this was a matter of great sensitivity to Robert Price whose sympathies inclined towards the Non-jurors.

The abjuration issue was raised in late 1695 when the Country Members sought to set up a parliamentary Council of Trade to remedy the ineffectiveness of the Lords of Trade and Plantations committee. Competition from a new Scottish East India Company was also feared and Robert Price was named to an investigative committee to study the situation.<sup>1</sup> The Court,

fearful for its prerogative, produced its own scheme for a royal Council of Trade and resorted to wrecking tactics to defeat the proposed parliamentary one. The ministers proposed that no MPs should sit on the Council and that the persons who were appointed should be required to take an oath recognising King William as sovereign de jure and to abjure 'King James and every person of the Stuart race'. Robert Price gave a full account of the debate to the Duke of Beaufort,<sup>2</sup> some of the arguments being manifestly his own. The assertion that oaths were no security to governments without the affection of the people was very reminiscent of his speech against the Portland grant. In the actual debate, Price had raised the heat considerably when he quoted General Monk's axiom in 1659 'that they had more reason to repent of old oaths than contrive new ones.' He was accused by Wharton of implying that he repented of his oath to King William, but Price retorted that he was only quoting Monk. He went on to point out the difficulties attached to swearing oaths to 'moot points', whereupon Montague charged him with implying that King William's title was a moot point. Price retaliated that points were only moot to those who did not understand the law. He asserted that it was never known that an oath was taken to swear a right or title to the Crown 'which this manifestly doth'. Many a Member had been committed to the Tower for saying less since Price had drawn the fire of the Junto ministers, but the mood of the House was amenable to him and it went on to approve the appointment of a Council of Trade. The Court was defeated in two divisions including the one on abjuration. Harley attached great importance to these divisions which marked the highest point of success the opposition had attained in that session.

The Court had suffered a major reverse and, as Price informed Beaufort on 11 February,<sup>3</sup> it had led to much talk about the town and there were rumours of ministerial changes. But Price was sceptical: 'There are mighty disorders at Court, the ministry uneasy, a change is talked of but will not be hazarded.' What was mere speculation was resolved to the advantage of both the Court and the Whig Junto by news of the plot to assassinate the King, and the proposal for a Council of Trade never got beyond the committee stage.

When news of the plot to assassinate King William broke on 24 February 1696, Sir Rowland Gwynne, a Welsh MP and leading Whig, was quick to propose an 'association' on the model of the one of Queen Elizabeth's day to protect the person of the king. Subscription to it was at first voluntary but on the 25th a call of the House was taken to see who would sign and who refuse. Signatories were also required to take an oath recognising William as 'rightful and lawful King'. Of the 453 Members present, 89 refused the Association, 94 according to Price in his letter of 27 February to Beaufort to which he attached a list of non-associators, including himself.<sup>4</sup> Price was confident that many had signed out of fear and when it was announced that the Association was to become a nation-wide movement, fears were expressed that it would become a witch-hunt against 'Non-jurors and Jacks' who might be anyone the rabble wanted to plunder. Of the 94 or so non-associators in the Commons, virtually all were High Churchmen. Sir Christopher Musgrave alleged that Association was only abjuration in another guise, the more surprising, therefore, that it was so easily swallowed after it had been rejected in

connection with the Council of Trade measure. In the House of Lords, two of Price's aristocratic friends, the Duke of Beaufort and Viscount Weymouth, refused the Association.

Robert Price was the only Herefordshire MP who did not sign the Association and on this issue was at variance with the Harleys and Foleys. His conduct was more consonant with that of his Welsh friends, nine of whom refused to subscribe. He certainly needed friends in his own 'country' since, when the Association was extended to the country at large, Sir Rowland Gwynne had been active in Radnorshire promoting signatures amongst his own friends so that it would appear that those who had not signed were Jacobites.<sup>5</sup> A second petition was sent by the officials and burgesses of New Radnor which could not have been initiated by its Recorder, Robert Price.

Price was not alone within his profession, however, in refusing the Association since it was estimated that one quarter of the defecting Members were lawyers. On 28 March 1696, an Act requiring practitioners of the law to take the oaths and to subscribe to the Declaration was passed in the Commons. This Act let off the hook those who had refused to do so voluntarily, since they could now plead that they had subscribed under duress. Robert Harley was particularly pleased since it opened up prospects of co-operation with Tories in the Commission of Accounts and elsewhere which had been stymied by the abjuration controversy.

The question of abjuration did not go away, however, since on 6 January 1697 Price reported that a bill against corresponding with King James had been returned with amendments by the Lords to the Commons and he was nominated to a committee to draw up reasons in preparation for a conference with the Lords upon the amendments in question. In the election of 1698 a number of non-associators failed to be returned but Robert Price was not among them since politics was of secondary importance to the electors of Weobley.

Having earlier been one of the Members who pressed for the reform of treason legislation, it is not surprising that Robert Price took great interest in the case of Sir John Fenwick who was arrested in June 1696 as a conspirator in the Assassination Plot. The King and the Junto were intent on pressing the case against Fenwick but were frustrated by the absconding of one of the two witnesses necessary under the Treason Trials Act of that year. Hence, the ministers decided to proceed by attainder which necessitated a Commons bill. They evidently hoped that Fenwick would make disclosures which would incriminate some great men. The ministers set up a close surveillance on suspects and Robert Price had reason to believe that he was being watched. Price informed Beaufort on 19 December,<sup>6</sup> that he had sent him an account of Fenwick's papers but not in his own hand since he had been warned that some men's letters were being opened.

Though Robert Price was not assigned as counsel for Fenwick as his friend Sir Thomas Powys was, he spoke three times on the bill's second reading.<sup>7</sup> He did not discuss the facts of the case against Fenwick but addressed his criticism to the procedure adopted as highly irregular. His arguments were of a legal and constitutional nature. He discovered an inconsistency in the case presented by prosecuting counsel from what were the terms of reference of the bill and accused them of introducing extraneous matters. He also drew attention to some discrepancies between the bill and the indictment, to rectify which a new bill would be needed. He alleged that the preamble to the bill pre-supposed Fenwick's guilt before he had been tried.

Price's second speech was made before the question was put whether the information supplied by Goodman on oath before he took flight should be heard in the House. He was very critical of submissions which 'men of the gown' had made, from which he strongly dissented. Allegations that the Fenwicks had intrigued with Goodman and tampered with witnesses were dismissed by Price as hearsay, and therefore not admissible as evidence. In his third speech following that of the Attorney-General, Price even accused the serjeants who directed the prosecution of offering evidence in violation of the law which would not stand in a Westminster court. He is not reported to have spoken on the third reading of the bill and this might well have been the occasion for which he had prepared the speech he mentioned to Beaufort but which he was not called upon to deliver. 'I had desired to be heard,' he stated,

'and had made a plausible speech asserting all he [Fenwick] told the King was true.'<sup>8</sup>

The bill was given its first reading in the House of Lords on 1 December, and on the 10th Price reported that it was unclear which way things would go since 'calculations on both sides [were] positive'.<sup>9</sup> On the 27th Price informed Beaufort that the Lords had passed the bill of attainder by a mere seven votes. Many Tory lords went as far as to record their protest on the third reading on the grounds that such bills were a threat to subjects' lives. The Whig peer, Lord Monmouth, hoping to discover evidence which he could use against political rivals, had egged Fenwick on and appeared to be working on his behalf but, to Robert Price's disgust, 'was violent for the bill' [of attainder] when it was before the Lords. He was glad when Monmouth's conduct was investigated and it was found that he had tampered with the case, for which he was clapped in the Tower, deprived of his Court place and struck out of the Privy Council. The Court's success in carrying the bill proved a Pyrrhic victory when it became known that some Court officials had voted against it, as had a number of Whigs. Price reported on 31 December 'great doubts at Kensington' whether it would be in the Court's interest to execute Fenwick 'lest at his death he should disclose the paper given to the King to be true.' The House of Commons was too busy to give a petition from Lady Fenwick a hearing, which led Price to observe 'mercy is at a low ebb. God defend all men from wanting it here.'<sup>10</sup>



Though Price did not condone regicide, his sympathy throughout was with Fenwick and he had been brave enough to speak his mind. No doubt he would have agreed with Sir William Williams' observation that no judge would pass sentence on the evidence offered and would object on constitutional grounds against arbitrary proceedings amounting to judicial murder.<sup>11</sup>

Robert Price's commitment to the Country Party is evident in the fervour he showed for the Commission of Accounts whose activities he closely followed in his correspondence. The fact that its membership usually included a High Church Tory like William Bromley or Francis Gwyn, commended it as much to Price as did his Herefordshire connection with the Harleys and Foleys. Thus in February 1695-6, he reported to Beaufort on the election to the Commission, giving details of the votes cast for each member. Its 'Country' character was so evident that the House of Lords protested by refusing to pass a bill, complaining that 'the Commission are all of one complexion'. The Commission was frustrated in its efforts to control war expenditure when the House of Commons voted a land tax of 4s in the pound, turning down a scheme proposed by Harley and Foley, and passed a higher vote of supply than ever for 1696. The Commission was further stymied by the Assassination Plot which left it without a quorum because some members had refused the Association, and this reduced its effectiveness in 1696. With sentiment running so strongly in favour of the Court, there was a danger that the Commission would succumb to it. When a new Commission was

proposed in February 1696-7 the ministerial Whigs tried to pack it so that it could carry out a programme initiated by the Rose Club. The opposition found it could not withstand the pressure and so deserted the House. Robert Price conveys the impression that the election was treated with derision: 'We knew we could not bear up, so we left the House to themselves ... Some of our friends put in some bantering names to ridicule the thing which is no more than it deserved.' On 18 February he added: 'We have damned the Commission of Accounts, have put in Lord William Powlett',<sup>12</sup> a Member in low esteem and a Court Whig.

Meanwhile, the whole financial structure of the state was threatened with collapse as the Treasury faced a liquidity crisis which dated back to 1692. This was caused by several factors, the debased state of the coinage being one, as it has been estimated that the clipping of silver coins partially paid the costs of the war. S. Quinn has shown how silver was drawn overseas to meet war expenses while over-priced gold was drawn in creating an imbalance between the value of gold and silver to no one's advantage except the goldsmiths who made huge profits by trading in bills of exchange.<sup>13</sup> The government sought to remedy the situation by lowering the price of guineas. Robert Price voted with the Tory-dominated opposition against lowering the price of guineas to 22s, suspecting that it was a ploy by the Bank of England and they were joined by Country Whigs who followed Harley's lead. The Tory-Whig division is clearly evident in Herefordshire where three Whigs voted for the bill while two Tories voted against, to which could be added the Country

Whig, Paul Foley the Speaker. The Junto ministers eventually embarked on a re-coinage, setting aside one and a half million pounds for the purpose, which turned out to be too low, and the slowness of the Mint in issuing new coins caused economic chaos as credit was frozen and markets came to a standstill. The crisis touched the Herefordshire MPs very nearly as news came in of unrest on both sides of the borderland which was being exploited by the Jacobites.

The Treasury sought to raise a loan but rejected the terms on one offered by the Bank of England which Price attributed to conflict between Bank and Treasury. The Treasury resorted to calling in silver plate to the Mint for which it fixed a price but applied swingeing penalties upon persons who would not comply. Price was happy to report that the Country gentlemen had thrown out the penalty clauses in the Plate Bill. It cheered him so much that he turned to an unusual bout of humour in relating town gossip; he mentioned 'the great terror of the ladies have been in for fear the Plate Bill sh[oul]d succeed and the mighty terror which the inhabitants of Kensington [the Court] were under lest it should not succeed has been the town discourse [for] some time.' Of greater satisfaction to Price was the evidence that the Country party had regained the initiative, but it was still apprehensive that the ministers who had lost interest in the Place Bill would resort to excises having decided to finance the supply vote for 1697 entirely from taxation.<sup>14</sup> A capitation project, combining a poll-tax, income tax and a land levy, to which the Country party was inclined, had doubtful prospects since Price thought it to be

a jest and the Bank of England was hostile to it. Price listed a number of commodities on which he expected the ministers would impose excises commenting 'we break every week two or three trades by our taxation.'<sup>15</sup>

Robert Price was very critical of the Bank of England, holding it responsible for 'debasement and exporting our money, raising our guineas and also all commodities, breaking their faith with the Parliament by trading and giving out credit bills beyond the capital issue of £120,000, re-mortgaging their fund to the Dutch for £480,000 at 5 percent for five years'. The Country attack was directed against Montague, the Chancellor of the Exchequer, for exceeding the quota of Exchequer bills laid down by Parliament and of fraudulently endorsing them. He evaded censure by diverting the attack to Charles Duncombe, a Tory, who had been Commissioner of Excise. A bill of pains and penalties was preferred against Duncombe and met with the combined opposition of Tories and disaffected Whigs in the House of Lords which succeeded in narrowly defeating the bill. Professor Feiling attributed its defeat to the Lords' indignation at legislative confiscation but Robert Price put it down to the complacency of the Court party as 'several persons went out of the House not thinking there was any danger of losing it, having not much [been] debated.'<sup>16</sup>

The Country party were suspicious of the association of the Bank of England and the City and were of opinion that government finance should be based on land not on commerce. When Harley and Foley proposed a Land Bank they

gave it ready support. It owed its genesis to the amalgamation of two existing land banks which received the approval of the House of Commons on 11 February 1695-6. In anticipation of future loans and possible Tory support for the government, it was also endorsed by the Court. To solve the liquidity crisis, the Junto offered to raise money by the issue of Exchequer-bearing bills on the security of the salt tax which was countered by an offer of a loan of £2 million by the Bank of England which, to Price's satisfaction, was rejected. The Land Bank's offer of a £2 million loan was accepted instead and Price exulted that 'no person concerned in the Royal Bank shall be in any concern with the new Land Bank' and, to avoid 'all parties and interests among existing banks, it was decided to have a new subscription' to raise a sum of £2,564,000. This was a signal triumph for the Country party but it did not allay Price's fears when he stated 'what it will come to and under what regulation, I know not.' It turned out to be a fiasco which resulted in loss of credit not only for the Country party but for its leaders, Harley and Foley, as well. Dr. Rubini is of opinion that the Land Bank was not an impractical project had times been more auspicious. In its earnestness, however, to expose financial abuses and its crusade against the corrupting influences of the City, the Country party had over-reached itself and was defeated by too formidable enemies.<sup>17</sup>

Following the scandal which brought down Sir John Trevor, a committee was set up on 21 January 1696 to which Robert Price was nominated, to prepare an impeachment against members of the East India Company. Price's attitude to the Company was ambivalent. As a Tory he was not indifferent to the welfare

of the Company of which Beaufort was a shareholder. As a Herefordshire MP he could not ignore the textile workers within the county who brought pressure to bear on their Members to oppose imported textiles from the East. Facing a precarious future, the Old Company was lobbying to get a confirmation of its 1694 charter, promising the government a loan as a *douceur*. It was opposed by those who thought that the East India Co. was more of a liability than an asset to the country. Among them were a Norfolk MP, Sir Henry Hobart, and Goodwin Wharton, MP for Cockermouth, who proposed a bill to ban East India textiles so as to reduce unemployment. He followed this with a measure for general naturalisation of foreigners, Price opining that the two measures were incompatible and would be given short shrift in the House of Lords which he rightly predicted. Price himself followed the Tory line against naturalisation of foreigners believing they were more likely to impoverish than enrich the country. The controversy over the rival companies went on for some years along party lines and in May 1698 Price was lamenting to Sir Charles Kemeys, MP Monmouth, that the threat to break the Old Company was real and would leave 1100 widows and orphans destitute.

The interlopers went ahead to form a New East India Co. to compete in trade in the East, offering the government an attractive loan of £2 million to support its application; 'which when done it cannot pay', Robert Price predicted. Much to his surprise and that of his Tory friends, the New Company was able to raise £1,200,000 within a fortnight despite resolute opposition by the

Country Members, 'for which', Price reported, 'our City curses us heartily'. The Whig ministers threw their weight behind the New Company and the House of Commons gave it leave to bring in a bill. Price thought it would require 'art and power' to get it through the House of Lords, but he had not reckoned with the subterfuge which the New Company's supporters used, by having two lords who held a number of proxies called out of the House before the division was taken which allowed the bill to be committed.

The Old Company did not give up the struggle for incorporation, supported 'by those that were for distressing the government'. It was given leave to bring in a bill but it was denied a second reading by another subterfuge. Price wrote on 11 March that 'the Court laid a snare for our young gentlemen the day of the East India Bill which drew about 15 of one and 5 of the other party which occasioned a jest about town that baiting the tiger without door gave the lion Montagu an opportunity to prey within'. The allusion was to a trick by which several young Members had been lured to the Cockpit to see the baiting of a tiger by a pack of mastiffs. The story was denied by one who alleged that there were as many of one side as of the other so that it made little difference to the outcome of the division. Price asserted that the financial arrangements in the bill were in the interest of but a few and would destroy the credit of parliamentary funds. It had occasioned a feud in the City between supporters of the rival companies and he feared the ruin of both. In February 1700, however, the Old Company succeeded in having its bill of incorporation passed without further opposition.<sup>18</sup>

The debate on army disbandment went on for over two years and was one of the most important issues in conflict between Court and Country in King William's third and fourth parliaments. When the Treaty of Ryswick was signed in September 1697, an immediate cut in war expenditure was expected. The king, however, in his speech on 3 December, made a plea for keeping up the strength of the army and navy since he considered the peace to be very precarious. Robert Price took an active interest in the debate in Parliament which was also fuelled by a spate of pamphlets outside, with which he was familiar. Harley led for the Country opposition and proposed that the army be cut back to its 1680 size, arguing that a large peacetime army threatened an imbalance in power in favour of the king against the people. This was a neo-Harringtonian idea which had been revived by the Grecian Tavern<sup>18a</sup> pamphleteers. Robert Molesworth's pamphlet, an Account of Denmark (1693) was quoted as but one instance where loss of freedom had been suffered due to a standing army. The Tory argument of the sufficiency of a fleet and militia to meet a subdued French power was often reiterated. Price represented the counter-argument fairly, recounting the great services of the king and was he not to be trusted? The French king was known to be capable of treachery and James II still had a large Irish army in France. Disaffection at home also spelt possible civil strife. To play down the danger from a Jacobite insurrection was a typical Tory attitude.<sup>19</sup>

The division that was taken at the end of the debate was not on Harley's motion but on a procedural point to re-commit the bill; it resulted in defeat for



the Court. Robert Price was of opinion that had the division been on a motion for fixing the size of the army at 12,000 men, the Court would not have been able to rally 100 votes. It was a distinctive Court v Country division in which the Tories were predominant in opposition but it was noted that some consistent Court Whigs like Sir Herbert Croft voted with the opposition. Indeed, the Herefordshire Members were divided down the middle according to a list predicting the likely voting pattern, Price's name being assuredly with the opposition.

When a new parliament met in 1698, Harley proposed on 16 December that the army be reduced to 7000 men, the king not having honoured the previous resolution on disbanding. His followers took a prominent part in the debate and Robert Price was named to a committee to prepare a bill to that effect. To avoid any evasion it was specified that the size of the navy be fixed at 15,000 seamen to exclude any insinuation of marines or the king's Dutch guards. A bill for disbanding was finally carried on 18 January 1699, the Court having failed to defend a weak position, according to Price. Most of the Members who opposed the bill, it transpired, were placemen and servicemen. Many Whigs whose voting record had been steadfastly pro-Court, joined Harley and his followers, maintaining that they were the 'true Whigs'. The Country party had carried all before it and it was an ominous sign for the future of the Junto who had so signally failed the King.<sup>20</sup>

Robert Price evidently revelled in the Country party's success and he was bent on exploiting it by turning propagandist. He informed Beaufort in a letter of 19 January that 'the names of those who were pro and con had been fixed', and shortly after the House had risen, he and some friends compiled a black list of those who had voted against disbandment on the third reading. The list was printed and circulated throughout the country. Threats of breach of privilege were made but since the House was not in session they were not proceeded with.<sup>21</sup>

Another controversial issue which galvanised the Country party into action was the grant of confiscated estates in England and Ireland by the King to Court favourites. To Robert Price, the royal land grants issue was but an extension of the campaign against the grant of the Denbighshire lordships to Lord Portland and thereby he felt compelled to pursue the matter to the end. In February 1696, following revelations that grants worth £600,000 had been made, the opposition initiated a bill which would void all grants hitherto issued and would vest all forfeited estates in Parliament, whose consent would be necessary for their disposal. Price was not entirely impartial in his criticism; writing to Beaufort, he alluded to a grant made to Long Coningsby, a Court Whig, in Herefordshire, but conveniently overlooked grants made to the Harleys in Radnorshire.

The attack was resumed in January 1698 when the Secretary of the Treasury was instructed to draw up a list of grants made in 1697. The Junto, knowing

they could not successfully oppose it, were adroit enough to propose that all grants made since 1660 should be taken into account, knowing that many prominent Tories had been beneficiaries. No further progress was made in that session, but in December, early in the new session, a committee of inquiry presented a list of forfeited Irish estates and their recipients, mainly royal favourites, mostly Dutch. Though Price probably exaggerated the value of the gifts, they were what he termed 'a very noble gift not passed by any of his royal predecessors', a phrase reminiscent of his speech against the Portland grant. The outcome was to void all grants made since 1688, and forfeited estates were to be vested in trustees and a Court of Claims was set up to deal with petitions from aggrieved persons. The House further resolved that the procuring or passing of exorbitant grants by any member of the Privy Council was a high crime and misdemeanour. The Tories who had been upholders of prerogative in the past had succeeded in making an appreciable dent in it by this measure, whilst Junto influence had been seriously undermined.<sup>22</sup>

Dr D W Hayton has commented on the high number of moral reformers among those who supported 'Country' measures in William III's parliaments. This was manifested in attacks on corruption in its various forms as well as upon licentiousness and heterodoxy. Robert Price is not among those he has listed though he has a well founded claim to be considered. He was a devout High-Churchman and was generally regarded as such. Despite his own matrimonial troubles, he was decidedly against divorce and was very critical of the conduct of some bishops who had voted in favour of a divorce bill filed

in February 1697-8 by Lord Macclesfield, commenting to Beaufort, 'I am told many of the bishops are for it, to their reproach'.

Maybe he showed less enthusiasm than some of the 'high flyers' like his fellow-Welshman, Sir John Philipps, against the spate of heterodox publications which followed the lapse of the licensing law in 1695. Price's friend and confidant, Sir Edward Harley, published a pamphlet against blasphemy in 1695 which was a prelude to a bill to that effect. Price did not show much sympathy for the bill in a letter of 12 February 1697-8: 'We have had a godly fit in the House against immorality and profane-ness and against Socinian books' and he was rather sceptical about its success, many being of the opinion that people who did not take the Old and the New Testaments for a rule were not likely to be reformed by Act of Parliament. Price appeared to concur with the view that the bill was setting up an inquisition into people's thoughts which could extend beyond religion. In the fourth parliament of William III he sat on five committees relating to morals and religion which signifies some commitment if not enthusiasm. Like Robert Harley, he gave his patronage to the SPCK in Wales which was responsible for the dissemination of pious literature, especially in Welsh.<sup>23</sup>

Having achieved such notable success with measures, the Country party then turned its attack on the men it held responsible for them. Attacks upon the Admiralty had been mounting since 1696 for shipping losses and miscarriages in the navy and, seeing they had the Junto on the run, these were pressed

harder in 1698. Robert Price described these attacks as 'small game at first', suggesting there were ulterior motives. He further surmised that charges of speculation in the victualling system of the navy was 'a leading card to reach [Admiral] Russell', but he expected that they would be extended to other Junto lords. The situation was not effectively exploited however, and exposed the Country party's vulnerable side, Price criticising it for lack of vigour in pressing home its advantage. Edward Harley was premature when he thought that they had put the Court to flight since Price feared that the 'enquiries begin to damp'. Country animosity against Lord Keeper Somers stemmed largely from the way he manipulated the Commissions of the Peace to exclude Tories from the government of their own 'countries'. An opportunity to censure him arose when it was found that he had sealed a commission in 1697 to a Captain Kidd to seize pirates' goods but he had turned pirate to the embarrassment of Lords Somers, Orford and Shrewsbury who were to have a share of Kidd's booty. The opportunity to deliver the coup de grace was missed when, to Price's regret, some sixty of his friends sneaked out before the division was taken at a late hour. Nevertheless, the situation of the Junto lords became more precarious when they, together with Lord Portland, were impeached for endorsing the Partition Treaties which William III had negotiated with Louis XIV but had kept secret from Parliament. They were voted guilty in three divisions and their removal was demanded but with the renewal of war against France imminent, William could not dispense with their services.<sup>24</sup>

Robert Price served on most of the annually elected Committees of Privilege and Elections in William III's third and fourth parliaments. He was also

nominated to some 88 committees, mainly on second reading of bills. It appears that by then he was not as assiduous a committee-man as in the 1690-5 parliament when he sat on some 116 committees over a comparable period and the number of committees, he served diminished from year to year. He was no longer content to be a parliamentary drudge and channelled his energies more and more upon the important issues of the day on which the Country party focussed attention.

The committees he served on were very much on the same pattern as those in King William's second parliament.<sup>25</sup> Rather different was the committee on army disbandment on which he served in which Harley's Country party followers were prominent. He was also deputed to prepare a bill to reverse the conviction for scandalum magnatum imposed on Sir William Williams in 1680 when, as Speaker of the House of Commons, he had licensed a publication which was later declared scandalous. This was a pleasing service to a fellow-Welshman who had also been his principal aide in the campaign over the Portland grant. Though Williams had been somewhat of a political renegade, he was now back in the Country party where he had started and was persona grata to the Tories.<sup>26</sup>

Robert Price's votes in parliamentary divisions<sup>27</sup> as far as they can be ascertained were remarkably consistent. Every one was cast against Court measures and in favour of Country measures and every assessment of his political affiliation described him as Tory. Three debates in 1696 produced

lists of actual divisions or forecasts of the way Members were expected to vote. The first was on the royal Council of Trade to which was attached an abjuration clause on which the Court was defeated and Robert Price was predicted to vote against it. When it was proposed to lower the price of guineas from 28s to 22s, Price voted against the measure but in which of eight divisions is not recorded. He likewise voted against the attainder of Sir John Fenwick. On the basis of his consistent voting in 1696, Price was regarded in a contemporary voting list as a member of the opposition to the Court as had Grascombe's list of three years earlier done.<sup>28</sup> The Assassination Plot did not shake his resolve and he was among the Churchmen and lawyers who refused to subscribe voluntarily to the Association. In 1698 and 1699, he was prominent in the opposition ranks which pressed for army disbandment. Price did not sit in the Parliament of February to October 1701 and so he is not listed as one who opposed preparations for war, but it is safe to presume that he would have done so had he been there. He enthusiastically supported Robert Harley's election as Speaker in 1702, considering it 'a good omen'. He also was in favour of the impeachment of the four Junto lords. Almost his last act in the House of Commons was to put forward a motion to investigate Irish forfeitures in May 1702.

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28. Samuel Grascombe drew up a list of Members of the Commons in 1693, indicating who were placemen. They did not include Welsh MP's. - Bodleian, Rawlinson MS D 846, ff 1-2,5.

## **7. Legal Career**

The demise of the Court and Council in the Marches of Wales, together with his election as Member of Parliament for Weobley, obliged Robert Price to follow his career henceforth in London. While holding a seat in the House of Commons, he was able to practise as a barrister in the courts of Westminster Hall nearby. The Westminster courts were only in session for about a third of the year, which enabled him to practise as a barrister at Assizes or Court of Great Sessions at other times. He maintained his links with Herefordshire where he had a country residence, as many London lawyers had, lodging when in London at Lincoln's Inn. Breaking in on the London scene was not easy at a time when competition for work significantly increased post- 1690, and it was well that he had some country business to fall back on. Despite family upheavals, he continued to act as the Rodd family lawyer and even for Thomas Neale, 'the great projector', despite his son's misconduct with Price's wife.<sup>1</sup> A good deal of work hitherto transacted at Ludlow now had to be taken to London and it is noticeable that much business Price undertook, such as steering private Acts through Parliament or conducting appeals, emanated from Wales.

Barristers found practice in London more lucrative because fees were higher than in the provinces, but Price was already a high-earner as he testified to Robert Harley in 1691 that he had practised eleven years on the South Wales circuit and could boast that he was 'the greatest gainer on the circuit'.<sup>2</sup> For an assessment of his income, he might be compared with his friend, Sir Thomas

Powys, who was reputed to earn £4,000 a year; Price's income would, presumably, be somewhat less. Powys was senior to Price and when both appeared for Lord Mohun in 1692 in a murder case, Powys led. Price already showed one characteristic in this case, viz., a fondness for quoting precedent which was becoming a feature of evolving case law.<sup>3</sup>

Between 1690 and 1702, Price participated in some fourteen cases where it was necessary to procure a private Act of Parliament or to make an appeal to the House of Lords. Eight of these cases emanated from Wales and some four or five related to the disposition of property. One example was the Mansel Estate Act to provide portions for younger children and it was noted that 'Mr. Mansel employs one Mr. Price, a lawyer and a Member of the House, to manage the affair in the Commons'. Others required powers to administer or change wills, to arrange marriage settlements or to dispose of estates to pay debts.<sup>4</sup> Though of a different political complexion from himself, he acted for the Kemeys-Tynte family of Monmouthshire, in a dispute over the will of Sir John Thomas of Wenvoe, Glamorganshire, but he always advised seeking accommodation rather than expensive litigation. He avowed to Miss Mary Myddelton about twenty years later that to draw out law-suits for his own profit 'was never my way when I was a practising lawyer'. He likewise acted on her behalf in a dispute with her nephew over the will of her brother, Sir William, putting the honour of the family foremost 'having had a long and intimate acquaintance with her father and the friendship he received from her brother'.<sup>5</sup>

When he heard in May 1691 that a Welsh judgeship was likely to become vacant, Price's aspiration turned that way although he was aware of the handicap he laboured under of having once been a Stuart placeman. The fact that he had been offered the post of second Baron of the Exchequer in Ireland heartened him but, as he told Robert Harley, he had no wish to be banished there. He turned to Sir Edward Harley for support both as a neighbour and confidant, despite the difference in their political background. Sir Edward held out little hope of success since, he believed that Halifax and Danby went 'to great endeavours ... to keep out men of integrity'.<sup>5a</sup> Price reduced his chances of success by joining the opposition in Parliament, since judges were usually chosen for political services, rarely from opponents of the Administration. Price had to wait till Robert Harley attained a position of influence before he was made a Welsh judge on 11 December 1700, and the following day hastened to acknowledge his debt to Robert Harley.<sup>6</sup>

Price's debt to Harley may have been less than he supposed since it is probable that it was another man who put forward his name. He was Price's old friend Francis Gwyn, a prominent ultra-Tory, who was Prothonotary for South Wales and who was thought to have the office at his disposal. Harley probably accomplished what Gwyn proposed for, in a letter of 9 December he wrote to Harley, 'I thank you for the news of Robin Price which I am extremely well satisfied with.' Inter alia, it throws some light on the closer relationship which Harley was cultivating with the High Church Tories at this time. The advantage of a Welsh judgeship was that Price could carry on as a

MP and could still work as a barrister on English circuits since attendance on the Court of Great Sessions only took up about 36 days of the year.<sup>7</sup>

Englishmen, particularly Gloucestershire men, were most in evidence in the Welsh judicature, but among Welshmen on the bench, natives of Denbighshire, where Price hailed from, were most numerous. His appointment to South-east Wales may have been in response to local sentiment as expressed in a petition from the Glamorgan gentry to Lord Mansel which has all the appearances of having been a recommendation of Robert Price. They asserted that their interests as men of property should be of as much account as those of Englishmen, and that they would be best served when men who were neither natives of the county nor, indeed, perfect strangers, 'unexercised in the business of our courts', were appointed. They expressed great satisfaction with John Birch, a Herefordshire man and like Price, MP for Weobley, who had served as Attorney-General for seven years.<sup>8</sup>

So close was the relationship between Great Sessions judges and those who administered local government that a harmonious relationship between them was vital. It did, indeed, give rise to allegations of partiality, but no accusations were ever made except in a general way.<sup>9</sup>

Welsh judges were not appointed by the Lord Chancellor but came within the political patronage of the Crown which was almost invariably dispensed in favour of lawyers in the House of Commons who thus became placemen. The political nature of the appointment was reflected in the fact that Welsh judges

did not enjoy the same immunity as English judges after the Revolution and could be dismissed at will and frequently were with a change of ministry. Price was not appointed for past services or the expectation of future ones since he withdrew from the House of Commons in 1702. However, he was prepared to be useful to his patron, Robert Harley, in other capacities. Judges were expected to extend the influence of the ministry in power into the provinces and the Whigs made notable use of them to that end. Fortunately for Price, he found the ministers in Queen Anne's reign more amenable so that he had no reservation in co-operating with them.<sup>10</sup>

It had never been necessary for Welsh judges to be of the status of a serjeant-at-law or have the qualification of the coif. For this reason it was often alleged that Welsh judges were of an inferior calibre and, though Francis Bacon<sup>11</sup> lent some colour to that view, he did so with a qualification. 'The judges of the four circuits of Wales,' he remarked, 'though they are not of the first magnitude nor need be of the coif, yet they are considerable.' Many Welsh judges were promoted to the Westminster courts given the right circumstances but for some it was a dead end. Robert Price was fortunate enough to escape. He had not been much enriched by his Welsh judgeship since the fee was only £50 a year with a further £30 for his riding and dietary charges. This had been supplemented after the Revolution by a further £100. The fee was raised to £300 in May 1703 after representations from 'the gentlemen of Wales' and was payable out of the Crown land revenues. If this gesture on their part came as a tribute to Price for having saved those Crown

lands, it came too late since by then he had been elevated to an English judgeship.<sup>12</sup>

Sessions on the South-east Wales circuit were held at the three county towns, Cardiff, Brecon and Presteigne, twice a year, and usually lasted six days. Price first sat as a judge in April 1701 with Serjeant Powlett and his last session was in April 1702. The first day of sessions was taken up in formalities. On the second day, the Grand Jury was impanelled and their names appear in the record following the rubric giving the date of the sessions and before what judges. A charge was delivered to the Grand Jury by the Chief Justice and they had to decide whether the cases laid before them constituted true bills which could proceed to trial. The two judges sat in separate courts for jury trials in both civil and criminal cases. For chamber and chancery work they sat in banco. In rural counties, the case load was light, about 15 being an average for the Brecon circuit, Glamorgan being somewhat heavier. Theft, assault, the occasional riot and coroners' inquisitions, were the subjects which appeared most often. The Court of Great Sessions had a chancery division in which the second judge acted as Master in Chancery. These sessions were arranged as business permitted and did not make great demands, but were found to be more convenient and less expensive for litigants than taking cases to London. What the records do not reveal is how far the proceedings were conducted in Welsh, which must have frequently been the case and where Robert Price stood to advantage over his colleagues.<sup>13</sup>



Price was working the Midland circuit as a barrister in March 1702 when news of King William's death broke and in a letter to Robert Harley he commented on the dearth of mourners at Worcester. He was probably only expressing a Tory sentiment at being well-rid of a foreign king and the prospect of a native-born sovereign once more. The King's death, however, cast some doubt about the validity of judges' commissions but it did not deter the holding of the Worcester Assize, as Price confessed 'being unwilling to quit the profitable part'. Before holding the Great Sessions at Brecon in April, however, Price had written to the Lord Keeper to ascertain the validity of his and Powlett's commissions. He expressed some apprehension to Harley about the renewal of his commission in a new reign, seeking his help 'as your friendship put me in the post of judicature I was in, I would not willingly be dropped.' He disclaimed any desire to supplant Powlett, who was aged, but at the same time confessed he hoped 'I shall have no other over me.' His elevation to an English judgeship in June 1702 he again attributed to Harley's influence with Godolphin but, more likely, it was the work of Lord Nottingham and Archbishop Sharp who were seeking sound Tories to displace Whigs from offices. Francis Atterbury was wrongly informed that Secretary Nottingham had ignored 'Robin Price's claims upon a judgeship'. Robert Harley was not without some influence in his appointment, however, since he helped to resolve Simon Harcourt's predicament about judicial appointments as Solicitor-General: 'I cannot doubt of Serjeant B and am in hopes for R. P[rice].'<sup>14</sup>

Luttrell mentioned a rumour that 'Mr. Price of Lincoln's Inn' was a name mentioned to succeed to a vacancy at the Exchequer Court. A warrant in his favour was issued for his appointment as Baron of Exchequer on 9 June 1702 followed by letters patent on 24 June. The Treasury raised some difficulty over the payment of £216.4s.4d for the sixteen days since the warrant was issued on 8 June.<sup>15</sup>

The Exchequer Court dealt mainly with matters relating to Crown revenues. It also had an equity side, an aspect of which Price already had some experience. After its decline in early Stuart times, the Court had been revitalised by the injection of business relating to Church revenues consequent upon the decline of Church courts.<sup>16</sup> A sample of cases recorded by Bunbury between 1715 and 1723 includes numerous cases relating to tithe liability on various products, ancient rights and customs and even the liability of a lighthouse for Church rates. A case calling for determination as to whether lands which had once belonged to great abbeys before the Dissolution were tithable, recalled a case in which Price's own family had been involved against Bishop William Lloyd in Merionethshire.<sup>17</sup>

In some judgements Price appears in the guise of a moralist, pronouncing against a widow accused of adultery of coming 'with a very ill grace into a court of conscience'. Another case called for opinion as to whether a marriage came within the Levitical degrees. Price was forthright in his opinions; on one occasion he and another Baron out-voted the Lord Chief Baron in finding

against the Attorney-General in a claim against the trustees of a person convicted of treason. He could also issue authoritative axioms as on an issue whether witnesses could be examined twice, declaring that 'witnesses who have been examined on the first commission cannot be examined on a second without leave of the Court.' Price was not averse to stating an opinion on legal technicalities, and his extensive learning enabled him to draw upon precedents, which became characteristic of his style.

Robert Price was a signatory to 16 'Signed Reports' between 1706-8, 9 in 1708-10, 7 in 1710-12, 10 in 1712-14 and 13 in 1714-18. These required the signature of two judges; until 1708, his was usually the second signature, thereafter, often the first. They were called for by the House of Lords preparatory to the presentation of a bill, and were usually terse, relating the main facts of the case and making recommendations which would be to the petitioner's advantage. The bills mainly related to property, often seeking remedies which the courts could not provide.<sup>18</sup> In one instance he helped his old friend Viscount Thynne's trustees to deal with a minority in the family. He was as diligent in the Court as he had been in Parliament in seeking justice for petitioners involved with forfeited estates in Ireland, and showed great sympathy for Catholics in defending their rights to benefit from testamentary bequests. A rare compliment came to him when he was called upon to prepare a bill to substitute English for French terminology in legal procedure, which was an acknowledgement of his mastery of the subject, especially when we remember that his first language was Welsh.

In 1705, the judges were called upon to state an opinion in the *Ashby v White* case which arose out of the Aylesbury election in 1701, which they recognised as a thorny problem. A Tory mayor had denied the claim of some Whig townsmen to vote and the plaintiff in the case sought a writ of error which was upheld by ten judges as a right of the subject but which was denied by Price and Smith on the grounds that it was an act of grace within the royal prerogative.<sup>19</sup> The main issue was who had the right to determine on the qualification in a disputed election, and battle lines were drawn not only on Whig v Tory, but also on Lords v Commons lines. The Lords maintained that the right to vote was a subject's right whereas the Tory majority in the Commons asserted it was within the privilege of their House, a view which was also upheld by Powys and Price. It was on a legal technicality that Price had defended the royal prerogative in this instance, but the privilege of Parliament he regarded as a constitutional issue, notwithstanding the fact that the right of determination was often abused.

Price had a further occasion to uphold the royal prerogative in 1704 when a bill 'For the better preservation of Her Majesty and government and the Protestant succession' was referred to the judges. They were asked whether the Lords Justices, who acted when the sovereign was out of the kingdom, could be restrained from giving their consent to the repeal of the Act of Uniformity. The judges were divided on the issue, but Baron Price opined that they could be restrained by this Act on the grounds 'it is not the sovereignty but only the exercise of the sovereignty [that was involved] and so

may be restrained.' A resolution to that effect was passed and the judges were instructed to frame such a clause.<sup>20</sup>

Hearing of the death of Justice Nevill made Price desire a change from the drudgery of the Exchequer Court and he turned to his old patron, Robert Harley, by now Secretary of State, for help. 'I have no friend but yourself,' he wrote, 'and if I may have a remove to Common Pleas, it would be to my advantage.' Having cited several examples of judges who had served their turn at the Exchequer being moved on, he disingenuously added: 'I have by your favour more than I merit and am ashamed to make the application.' Robert Harley was unable to oblige on this occasion but there is no reason to believe that Price was out of favour as some Church Tories were after 'the tack'. Following Tory success in the 1710 election which brought Harley to the head of the Administration, there was some talk of Price being made Lord Chancellor in succession to Cowper. Harley hesitated, however, and considered putting the Great Seal into Commission; one correspondent reported, 'It is said Sir Thomas Powys, Baron Price and Mr. Ettrick will be Commissioners of the Great Seal,' but that did not materialise either when Sir Simon Harcourt was persuaded to become Lord Chancellor. Whether Price's limited experience in the Common Law courts ruled him out is not known but one is tempted to conclude that he had enough confidence in his own ability to have accepted a challenge. As it was, he had to soldier on for a further term at the Exchequer. Whether Harcourt nursed an animus against him is open to

question since he ignored Price's recommendation of his cousin, Roderick Lloyd, to a Welsh judgeship, preferring a Herefordshire man for the post.<sup>21</sup>

Price encountered no difficulty in being re-appointed on George I's accession, rumour having earlier been spreading that he was to be elevated to Chief Baron.<sup>22</sup> That did not transpire and Price was to be passed over for promotion three times in the coming years. Why a man with long experience, of known integrity and efficacy as a judge should have been so disregarded is difficult to explain. One obvious reason was that he no longer had a friend in government after the downfall of the Earl of Oxford. Although Price's elder son, Thomas, had visited Hanover while on the Grand Tour and had avoided the exiled Stuarts, there are no indications that he himself took any steps to ingratiate himself at Court. It is true that the choice of judges was no longer confined to serjeants-at-law, but that is hardly an adequate explanation. His side-ways move to Common Pleas did not occur till 1726 when the Whig courtier, Sir John Trevor, became Lord Privy Seal after a long tenure as Chief Justice of Common Pleas. Though he was also of Denbighshire origin, there could have been some background of family feuding in the past which might have caused estrangement between them. On the other hand, Price's new appointment might have been Trevor's parting gift.

Curll, Price's biographer, refutes a rumour that he was moved 'for private reasons of state', though undisclosed, and discounting any political reasons. Price certainly had no financial motive in desiring a move since the salary was

comparable and he was already well-off. It was advancing years dogged with bouts of ill-health more than anything that caused him to seek a less demanding post. Foord has certainly over-rated Price's importance in coupling him with Sir John Trevor and Sir Thomas Pengelly, whose new appointments in 1726 he interprets as a political manoeuvre on the part of Walpole to deprive the malcontents of their leading lawyers. None of them was of sufficient political importance to have caused Walpole a moment's anxiety. Henning is much nearer the mark in interpreting Price's move as a token of gratitude on the part of George II soon after his accession, for championing his rights when Prince of Wales to educate his children.

In 1718, King George I had sought the judges' opinion concerning his claim to the right to educate his grandchildren, which the Prince of Wales resisted. Ten judges assented to the King taking the children into his care but Price and Eyre dissented. Not only did they think precedent was against it but also that natural right gave to every father the right to educate his children. This was indeed a novel departure from legal argument and heralded an attitude which was much more consonant with eighteenth century thought. Price and Eyre agreed with their colleagues on the King's right to bestow his grandchildren in marriage provided the father was consulted, and all the judges upheld the right of the heir-apparent to be regent when the King was out of the country.<sup>23</sup> It was said that Prince George did not forget Robert Price's championship of his rights and showed his gratitude as soon as he was able to although, unlike

many, Price had not joined the Prince's rival court in expectation of benefiting from the reversionary interest.

Price continued to reside at Lincoln's Inn till he became a serjeant, since an entry in the Black Books records that he was in arrears for absent commons but was excused half of the debt 'in respect of his being a Member of Parliament and his attendance there'.<sup>24</sup> On 28 May 1701, Robert Price, by then a Welsh judge, was called to the bench of his Inn, being described as 'an ancient barrister of this Society', being a rank between a barrister and a bencher. Price had been by then a member of the Inn for nearly 23 years which was not unusual for the time before a call to the bench. He would by then have performed the customary readings and may well have been a double-reader, although readings were not as regular as they had once been. As a bencher he became a senior member of the Inn, responsible for its government and admissions to the rank of barrister. On 23 June 1702, he was summoned to assume 'the estate and degree of a Serjeant-at-law (status et gradus servientes<sup>i</sup> ad legem) and was invested with a hood and coif which were the badges of that rank. Sir Thomas Powys was appointed on the same day, both of them old Shrewsbury boys, and they gave a sumptuous feast for the judges and serjeants at Lincoln's Inn. It was customary also to distribute gold rings inscribed with a motto to the Lord Keeper and the judges, Price choosing as his motto Regina et lege gaudet Britannia as a tribute both to the Queen and his Welsh ancestry. The Treasurer's accounts in Lincoln's Inn



records against 3 December 1702, the payment of a sum of £10.16s.6d to Serjeants Powys and Price together with a purse.<sup>25</sup>

Price's elevation to the bench and to the rank of serjeant followed his appointment as a judge and was more of a formality than anything.<sup>26</sup>

Serjeants left their Inn of Court for either of the Serjeants Inns in Chancery Lane or Fleet Street, but usually maintained links with their old Inn. Thus on 8 December 1704, the Treasurer of Lincoln's Inn informed the Masters of the Bench that Mr. Baron Price 'had declared himself under a great sense of the civilities of the Society and more particularly of the Masters of the Bench, showed to him.' In return, he wished to express his gratitude by making a presentation of books to the library of the Inn to the value of £25 and the Treasurer was delegated to recommend their selection.<sup>27</sup>

During vacations in Westminster Hall, the judges went on circuit to hold Assizes, usually in Lent and July-August. They met beforehand in Serjeants Inn to choose their circuit according to seniority. Judges had their preferences, but after 1700 it was unusual for a judge to work the same circuit for more than two years. Before they departed, the Lord Keeper would apprise them of the current considerations of government which they wished to make known to those gathered at the Assize. Judges were still vehicles for government propaganda though less so than in Stuart times. Robert Harley's letter books contain many letters of instruction to judges including one to Justice Powys and Baron Price concerning the Queen's interest in a case. In

1723, Price reported having received instructions to enforce laws against Papists more strictly in order to raise revenue to lighten the burden on the land tax. Printed instructions were issued after 1715 which lost much of their political flavour.<sup>28</sup>

The holding of the Assizes was a social occasion which brought the gentry to town, a number of them to act as a Grand Jury. The judges were usually lodged at a country house and so needed to be socially acceptable. To keep up appearances, they brought their own servants, Price being attended by a liveried footman and groom at Carlisle in 1718. Time given to entertainment was not wasted since the judges were able to gain much intelligence about local matters, being often delegated to inquire into local grievances; sometimes they gathered politically significant information about dispositions within the shires. They communicated such intelligence to appropriate ministers at Whitehall. They were often consulted about appointment to Commissions of the Peace, though their advice was often ignored if not biased in the expected political direction.<sup>29</sup>

The Assizes opened with a sermon preached by the High Sheriff's chaplain and was attended by the judges and the whole concourse. Such sermons were replete with platitudes and were of an admonitory and moralistic nature, urging deference to authority in Church and State and often castigating schismatics. Sometimes, the preacher aired prejudices which were usually, but not always, indulged by the judges as in Price's case at Leicester in 1706

when Dr. Sacheverell was the preacher. He found his sermon to be 'ingenious' but he could not forbear 'giving the Dissenters and occasionalists a flurt as most of them do'. The sermons were published unless they were too offensive, nine of them bearing Price's name and that of another judge being extant on the subjects of 'Love to Church and Nation'; 'Fear God, honour the King'; 'The duty of living peaceably and Against indifference in Religion'.<sup>30</sup>

The judges made known the instructions issued to them from above in the form of a 'charge' to the Grand Jury and the assembled gentlemen of the county. They were expected to toe the official line since theirs was a delegated authority and, as often as not, they reminded their hearers of political truths and necessities. Matters which were high-lighted were the excellence of the constitution, the Church of England and the Protestant religion and, after the controversy raised by the Sacheverell trial in 1709, the blessings of the Revolution of 1688.<sup>31</sup> At the summer Assizes at Winchester in 1705, Price gave an 'extraordinary charge' in which he took note of the slanders and aspersions cast by the 'fanatick party' on the Church of England and reminded his hearers that the toleration which they now enjoyed was by the graciousness of that Church.

The fears of government about the perils arising from a breakdown of local government in the shires because of a shortage of JPs were fuelled by reports from the judges when they returned from circuits. Robert Price reported disaffection on this score on 2 August 1706 whilst riding the Midland circuit,

and again in August 1711 from the Western circuit. Thirty eight new JPs had been added to the Commission in Cornwall the previous February, but they refused to act because they were unwilling to pay for their dedimus potestatem demanded by the Crown Office which Price thought 'a shameful thing, but that is their humour'. He had spoken to two Lords Keeper on the subject, recommending that the dedimus be sent free to them since there were two hundreds in the county without any JPs. Price had not been slow in admonishing the Cornish defectors: 'I have been very free, both in my charges and in private in telling gentlemen how ungrateful they were to their friends and insensible of the Queen's favours that they would decline the Queen's and country's service for such a trifling pretence.' The judges recommended the removal of inactive JPs by way of initiating reforms.<sup>32</sup>

Price also drew attention to an anomaly in the economy of legal administration. He noted that the fines and all the green wax duties of the Western circuit had been granted to Lord William Powlett, 'which puts the Queen £50 out of pocket to give him £100.' He did not doubt that such grants were usual, but he queried their legality. To save the Crown some money, he advised the jury at an Exeter Assizes to find twelve soldiers accused of burglary guilty of simple felony rather than on the graver charge, because it would otherwise cost £40 to prosecute them. He added that he himself was inclined to mercy like the jurors.<sup>33</sup>

Several cases which Robert Price was called upon to try had distinct political undertones and his conduct of them shows as much concern over the calming of political passions as about dispensing justice. Party zeal raged in many parts of the country and Monod notes that Jacobitism was more in evidence during Queen Anne's reign than in the previous one.<sup>34</sup> Robert Harley sought to discourage party fervour of whatever colour, preferring to form administrations of moderate men from both parties. He had undoubtedly communicated this spirit to Robert Price who placed the peace of the countryside as an important objective. In 1706, he held an Assize at Coventry, described as a 'fanatick town',<sup>35</sup> where 150 persons were indicted for riot following an election and there was a threat of repetition of the violence when the opposing parties came to the Assizes. However, Price exercised much tact and diplomacy and declared to Robert Harley: 'I have brought both sides to so much temper that there is a prospect of fair weather.'<sup>36</sup>

Northamptonshire was another instance where the aftermath of the 1705 election threatened the peace but where Price again poured oil on troubled waters.

The Sacheverell trial in 1709 had an unsettling effect on parts of the country. Price reported from the Exeter Assizes in 1711 that a MP's brother had been indicted for declaring that the right to elect the king and queen lay in the people and that the Tory parliament elected in 1710 was a mob elected by the mob. It was a somewhat unusual case for a member of the gentry class to be prosecuted for uttering seditious words. Much more common was the

indictment of lower class persons for injudicious utterances, usually in drink.<sup>37</sup>

A seaman appeared at the same Assizes for crying 'Damn Sacheverell and all who voted or acted for him,' alleging that they were for bringing in Popery. Price seems to have been even-handed in his sentencing, heavily fining the gentleman and letting off the seaman. Two women appeared before him, one for protesting against the holding of 30 January as a commemoration day of the 'martyrdom' of Charles I, the other for warning Queen Anne that the same fate might befall her. Price commented with evident disapproval upon the extraordinary zeal which the populace showed in favour of the offenders which prompted a reprimand from him that it was not consistent with professions of affection for the Queen to countenance such persons and words.<sup>38</sup>

Price's attitude to Jacobitism is an enigma. His sympathy naturally lay in that direction but the call of duty as a judge rectified that inclination. He had seen enough evidence of Jacobite-inspired disaffection which sometimes flared into violence even in his own county where many of the clergy were rabid Jacobites. Monod has instanced various connections between Jacobitism and crime in the context of 'social banditry' which attracted widespread popular sympathy as an expression of social justice.<sup>39</sup> The Kingswood miners, outside Bristol, celebrated the accession of George I with riots which were fomented by Jacobites. Price was one of three judges appointed to a commission of inquiry which called for great tact to prevent a further outbreak. The inquiry was conducted 'with so much tenderness and uprightness that the tongues of

the greatest Jacobites are tied'.<sup>40</sup> Price showed greater ardour for the task of trying 68 'of the better sort of Scottish rebels' who had been involved in the 'Fifteen'. He informed Lord Chief Justice Parker of the care they had taken to prevent the rigging of a jury by 'pettyfoggers' and 'dissenting preachers'.<sup>41</sup> There is certainly no evidence that Price allowed whatever political sympathies he had to pervert his legal judgement. There is no evidence in his correspondence of any dabbling with persons at the Court at St. Germain nor, nearer home, of connivance with Tory friends in Welsh Jacobite circles like the Cycle of the White Rose in North Wales or the Sea Serjeants in South Wales, both familiar territory to him.

Price suspected any appearance of political interference with the law. In 1724, as a sequel to the Atterbury trial, Walpole introduced a measure to regulate titles to land which required all person over 18 to take the oaths of allegiance, supremacy and abjuration. Price complained how oath-swearing was cluttering up the work of the courts and that the consequence of the Act amounted to a 'second Domesday'. In seeking to allay the fears of his friend, Miss Mary Myddelton, over its effect on jointures, Price with unusual levity, described the Act as Walpole's way of silencing the wagging tongues of widows and old maids. He thought that the unpopularity of the Act would eventually kill it. Price did not conceal his antipathy towards Walpole from Miss Myddelton, alluding to him as 'the great Governor', and to his vendetta against the Jacobites as his 'fondness of having the Scotch in [his] power'.<sup>42</sup>

Riding a circuit called for a great deal of physical endurance, since long journeys had to be made on horseback which required keeping a good stable. Between travel and holding the Assizes, Price's journey to Carlisle in 1717 took up 55 days. The weariness of the journey and the discomfort he suffered from colic and gout meant that he was unfit to sit in court, and he confided to L.C.J. Parker that he would have been fully justified in absenting himself, but apparently he did not. He was rigorous in the demands upon himself and only once did he mention a desire to indulge himself by being tempted to skip a circuit in 1728. Even in the last year of his life, he had chosen to accompany Justice Probyn on the Midland circuit, but death intervened.<sup>43</sup>

Of his activity as Justice in Common Pleas we have little knowledge since Reports for the period 1650-1750 are of an inferior nature. The only ones that relate to Price's tenure at that court are the Cooke Reports but they contain only two or three references to Price, one, of his dissent from the Lord Chief Justice's opinion in a case. No big cases are reported and it is likely that Price enjoyed greater respite than he had hitherto had except when he was riding the circuits, which he still did. This was so because the Court dealt with civil actions between private parties, especially in connection with property, a line of business which Price found very congenial. Francis North considered Common Pleas 'the most desirable [place] of any for a good lawyer to retire into, for the profits are great and the Court not harassed with causes criminal.'<sup>44</sup>



Curll described Price's professional life as characterised by 'a calm, silent administration of justice' but it is evident that in his declining years that it was under some strain. Complaints of being prostrate by gout and colic were more frequent, 1728 being a particularly bad year when he feared for his life. Advancing deafness also interfered with his court work which made him realise that he could not discharge his duties effectively. Frequent visits to Bath, where he occasionally enjoyed the solace of his daughter's companionship, usually brought temporary relief. In 1731, however, he told his friend, Miss Mary Myddleton, that he intended to make the Midland circuit his last and of his intention to resign his judgeship the following winter and to retire to the life of a country gentleman. He reflected that a man should have some respite between the hurry of business in this world and the preparation for eternity. 1732 brought some improvement to his health and being still in good spirits and 'trusting to the robustness of his British constitution', he did not act on his resolution to resign, confessing to a mercenary motive of being loath to give up £2,000 a year: 'I doubt it is a spice of covetousness which I would avoid, but it steals in on the blind side'. In the event, Price continued in office till his death on 2 February 1733.<sup>45</sup>

After his appointment as Welsh judge, Robert Price did not stand at the next election in February 1701 but was very keen to see Robert Harley elected as Speaker in the new parliament when one of his opponents was Sir Rowland Gwynne, his old enemy in Radnorshire. Price wrote to Harley at Brampton Bryan: 'The town designs you to be our Speaker and others make you a baron

and to tell you all their surmises will make a volume'. The rumour referred to was that Harley had declined the offer of a barony as a bribe. This parliament was short lived and was dissolved in November, evidently against Harley's advice. Price re-entered Parliament in December 1701 and in a letter to Harley enthused over 'Country' successes from all directions. Having secured his own seat, he was off to Brentford to assist the Country candidates there at the Middlesex election. In the new parliament Harley was again proposed for Speaker, but wanted to distance himself from the Court and so remained at Brampton Bryan where Robert Price kept him informed of developments. The odds were against Harley's election, but his friends were very active on his behalf and he was narrowly re-elected.<sup>46</sup> This was Price's last parliament since he did not stand at the 1702 election but his interest in politics was unabated and his services were constantly at Harley's disposal.

As Secretary of State after 1704, Harley constantly sought to avoid party extremism which proved very difficult when his parliamentary support depended upon the Tories who formed the backbone of the Country party. The High Church element among them was hell bent on bringing in legislation to proscribe the practice of occasional conformity which would strike at the Dissenters and at Whig power in corporations. Their repeated attempts at legislation were defeated in the House of Lords but, in November 1704, they thought they might circumvent this opposition by 'tacking' a clause to a money bill which the Lords could not reject. Harley was very apprehensive about the disruptive effect this would have even among his own

followers, and though he gave the appearance of being in favour of the measure, he set to work systematically to undermine it. Having identified the 'tackers' from earlier divisions he drew up a list of 92 persons who were to be seen, together with the names of the persons who were to approach them. A great number of Price's friends were listed together with his son Thomas, and Price was deputed with the task of persuading him to change his mind.<sup>47</sup>

Whether he accomplished his mission we do not know but, it is certain that Price's loyalties were divided on this issue.

Indications are that Price was sympathetic to the views of the High Church party since he was very censorious of 'fanaticks' who attempted to exploit the Toleration Act. In a charge to a Devon Grand Jury, he informed them that several seditious persons had come down into the West Country who were spreading libels and embroiling the people, and urged the justices to apprehend them. One witness alleged that Daniel Defoe had been named as one of them and a warrant was issued for his arrest by a Crediton justice. Defoe was in the West Country not on any evangelical mission but as Robert Harley's spy to sound out opinion in the area he described as 'Seymskeyes Western Empire', which was the territory over which the High Church Tory leader, Sir Edward Seymour, held sway. It does not appear thus that Price was privy to Harley's methods, though it is unlikely that he was completely ignorant of the fact that Harley had a vast network of agents.<sup>48</sup>

Robert Price remained in Harley's confidence after the 'tack', and on 14 August 1705, Harley expressed his fear that the intransigence of the Church party threatened to undermine the cohesion of the Country gentry: 'If our friends will not be stark mad, it is easy to place things in the hands of the Gentlemen of England without giving themselves up into the hands of that party which may be feared by some, though I think without reason, unless those gentlemen who clamour most force people into it.' Professor Holmes interprets this as a desire on Harley's part to lead a ministry which would be predominantly Tory and could command a Commons majority, despite the excesses of the 'tackers'.<sup>49</sup>

After the 1705 election, Harley refused to stand for re-election as Speaker. He gave his support to the Court candidate, John Smith, rather than the Tory William Browley, confiding to Robert Price that he had 'run the hazard of my life' the last time, so close was the contest. In writing to Price, he put the blame for his decision, which must have appeared strange to him, upon the intransigence of the High Church Tories who had not heeded his warnings about the dangers which stemmed from 'the tack' in dividing opinion. They had failed to unite behind Simon Harcourt for the Speaker's chair or behind any other and had paid the price.<sup>50</sup>

Apart from Thomas Mansel, MP Glamorgan, Robert Price was Harley's major source of political intelligence for South Wales. Soon after the 1705 election, Mansel had given offence to the Glamorgan gentry by his intransigence and a

rival interest was raised against him headed by Richard Jenkins of Hensol, with a view to ousting him at the next election. Canvassing was already afoot when Price was at Bath in 1706 where several South Wales magnates were also assembled. Price reported to Harley: 'They are now as busy on all sides making of interest and spending money as if the election was next month.' Jenkins secured the promised support of some of the major political interests in Glamorgan including that of the Duke of Beaufort. There is no indication that Price intervened or that he was consulted, and a showdown was only averted when Mansel decided to come to terms. In West Wales, however, Price appears to have had more influence and his intervention was sought in 1710 to get a Harleyite elected. Attempts had been made to get Harley's son, Edward, to stand in Pembrokeshire, but he had declined and John Barlow, Simon Harcourt's son-in-law, was put forward. The outcome was so unpredictable that John Meyrick, Harley's election agent, sought his personal intervention. Failing that, he considered that Edward Harley and Baron Price were the persons who commanded most influence with a person whose interest it was vital to secure. In Anglesey as well, Price gave his interest and support to Lord Bulkeley who was hard pressed by local Whigs including the Bishop of Bangor.<sup>51</sup>

With Harley in office as Secretary of State, Price gave unstinted support to the ministry particularly over the Act of Union of England and Scotland in 1707. When he was on circuit, he wrote to Harley: 'I have laboured in it heartily, publicly and privately', and he thought that the Act would 'take amongst the

generality'. His one regret was that the Junto laid claim for its success and used his old Inn, Lincoln's Inn, to celebrate their triumph, Price lamenting Harley's absence as a member of the Inn. Harley was forced out of office in 1708 but returned triumphantly to head the ministry in 1710 after the great Tory success in the election. The Sacheverell trial in 1709 had had immense propaganda value for the Tories and it was fully exploited by the clergy.

Price was riding the Northern circuit when the election was on and was busily gathering intelligence about candidates' prospects in Northern counties which he fed back to Harley. He also assessed the strength of the Junto interest, represented in this area by Lord Wharton and was assiduous in promoting the Country interest by encouraging country gentlemen to stand as candidates.<sup>52</sup>

The triumph of the Tories at the election was a matter of great satisfaction to Price on the one hand and of apprehension on the other. Very ominous was the founding of two extremist clubs, The Loyal Band of Brothers in 1709, presided over by the Duke of Beaufort, and the October Club in 1710. The members were mainly High Church Tories, including 'tackers' and though there were Jacobites among them, they were not Jacobite clubs as such. Many of them were Price's friends and political associates but there is no evidence that he identified with them. He was not indifferent, however, to the potential danger which their policy of bringing pressure to bear on Harley to implement 'Country measures' approved by the High Church Party, posed, dangers which Harley had earlier discussed with Price following the defeat of 'the tack'.<sup>53</sup>

When Harley came to head the Administration in 1710, several of his friends obtained preferment but Robert Price was not among them. There is some suggestion in Curll's Life that he might have been offered a post but had declined it, which prompted Curll to rationalise: 'he would not accept of any place under any restrictions or in any tenure whatever, except such as the nature of his office might require of him and such as were consistent with the duty he owed his country as an Englishman'.<sup>54</sup> Curll's comment is veiled in obscurity but if any difference between Price and Harley had arisen, which Price admitted occurred from time to time, it was not sufficient to impair relations between them. This is evident in 1711 when Harley was trying to ward off defeat over the issue 'No Peace without Spain', when the Whigs were joined by some Tory defectors in trying to prevent the signing of a peace treaty which left Spain in the possession of the Bourbons. Harley set about to whip up support among the Lords as well as the Commons, and Robert Price was assigned the task of ensuring Lord Hereford's vote, a delicate task with a person hitherto overlooked. He informed Harley, 'I was very pressing with him and more free in my letter than prudence or policy would justify me in.' What might have been interpreted as injudicious in his letter is not disclosed, but it could have been something which might have laid him open to allegations of Jacobitism. However, Lord Hereford considered that there was nothing in the letter 'that can prejudice the writer or reader', and assured him of confidentiality. Again, Lord Hereford's support was solicited when the Duke of Marlborough was censured on charges of peculation and responded, appreciating that 'the Whigs will muster all their strength and forces they have

to defend their great men and leaders'. In addition, Price was deputed along with Sir Thomas Mansel to secure the support of the Welsh MPs.<sup>55</sup>

After the fall of the Earl of Oxford in 1714, Robert Price withdrew from active politics having no longer anyone to serve. His relations with the Harleys continued on the basis of friendship but the political correspondence ceases. His interest in politics continued especially in the old causes he had espoused in Parliament, as is manifest in his correspondence with Miss Mary Myddelton which is larded with political commentary and Court gossip.<sup>56</sup> His emotional susceptibility to the Jacobite cause waned as appeared during the Atterbury trial. Writing to Bishop Ottley of St. David's, he thought that Atterbury had made an ingenious defence but he doubted whether in a Common Law court 'how a judge or jury would have digested some facts and some law'.<sup>57</sup> This conceivably lends confirmation to the view that by the 1720s a growing distance had appeared between the judiciary and the executive. Price's intervention in politics became rare and only occurred when personal relationships were involved. In 1727, he tried to mediate in a political quarrel in Cardiganshire between his kinsmen, the Pryses of Gogerddan and the Powells of Nanteos. His advice, as always, was to settle their differences, lest the peace of the county as well as family reputation would be impaired.<sup>58</sup> John Meller of Erddig, however, failed to involve him in his attempt to overthrow the hegemony of the Wynns of Wynnstay, descendants of Sir William Williams, in his native Denbighshire.<sup>59</sup>



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## **8. Conclusion**

Robert Price has been cast into oblivion by Welsh historians except for casual references to his successful thwarting of the Portland grant. Though this was his most notable contribution, his services to Wales were much more extensive. At a time when the abolition of the Council in the Marches made adjustments necessary in the country's legal and administrative machinery, it was Robert Price's legal knowledge and expertise that was drawn upon for the purpose. More legislative measures relating to Wales were passed in William III's reign than in any since Henry VIII's time. In Charles II's reign, there were only three measures, one being the Act of 1670 which Price cited as having specifically exempted Welsh fee-farm rents from sale. In Queen Anne's reign there were but two minor measures and in George III's three, one being to create a new Prince of Wales. In King William's reign there were six Acts, in which Robert Price had a leading hand in the framing. The abolition of the Court together with the Council had transferred much litigation from Wales, especially appellate, to the Westminster Courts which were always eager to extend their jurisdiction into Wales. This had been notably challenged by Sir John Vaughan of Trawsgoed in Charles II's time and his mantle was assumed by Robert Price in William III's reign.

The tradition of eighteenth century Welsh Toryism often referred to as 'the old constitutional school' was laid during the 1690s and Robert Price was one of its founding fathers and his steadfast opposition to the Court while he was in

Parliament was emulated by Welsh Tory MPs for a century thereafter. It was a long-enduring tradition since, it was asserted that when Evan Lloyd Vaughan, MP for Merionethshire, died in 1791, that he was the last representative of it.

Robert Price never sought a parliamentary seat in Wales. His political interest in his native Denbighshire which his grandfather had sought to establish, would not have been sufficient to contend against the houses of Wynnstay or Chirk. He might have used his influence as Recorder of New Radnor to obtain a seat in Radnorshire but this would have trespassed on Harley territory and he wished to avoid giving offence. His family interest was sufficient to assure him a fairly safe seat in Weobley provided he showed a modicum of liberality, and this served his purpose. Having had his career at Court blighted by the Revolution, Price made advancement in the law his objective and a seat in Parliament was but instrumental to that and Weobley served the purpose. Though not reduced to the status of a pocket borough, Weobley was the most likely place where he could establish a dynastic interest, a hope that was shattered by the untimely death of his son Thomas.

Throughout his career, Robert Price cultivated the connection with Robert Harley. Though their political background was entirely unlike, the Harleys were Herefordshire neighbours and, along with the Foleys, a relation by marriage, the Harley-Foley connexion was a powerful force in both local and national politics. Though Price's friendship with the Harleys dated back at

least to 1690, he cannot be identified with the Harley-Foley connexion much before 1698, deterred perhaps by Sir Edward Harley's support for the abolition of the Court and Council in the Marches and certainly by what he considered to be the Foleys' corrupt influence in the Weobley constituency. Robert Harley's attitude towards the Portland grant did not help to foster a closer political relationship either, but Thomas Foley's removal to a Hereford city seat in 1698, made for better relationship. Price's association with South Wales helped to extend the influence of the connexion into that area whilst his personal relations with leading Tories like Francis Gwyn helped to promote an entente with Robert Harley.

It was at local level that Price served Harley most usefully, first in Radnorshire and then in Herefordshire. Their objective was to build and strengthen the 'Country interest' which cut across the Whig-Tory divide. Local loyalties, and the promotion of local enterprises like the Wye-Lugg navigation project, facilitated the creation of a parliamentary lobby with its power base in the Welsh borderland which Henry Horwitz considered powerful enough to promote Robert Harley to the Speaker's chair in 1701. In the management of political dispositions at local level in a way favourable to Robert Harley, no one was more assiduous than Robert Price. Harley rewarded him when he had patronage at his command by securing judicial appointments for Price.

Robert Price's activity as a parliamentarian has been shown to be exemplary. His reputation though, rests principally upon his famous speech against the Portland grant. It was directed against a Welsh grievance but developed into an assertion of the separate identity of Wales which can be interpreted as incipient nationalism. Philip Jenkins<sup>1</sup> sees Welsh patriotism as a weapon used in a variety of causes in which rhetoric was a strong nationalistic undercurrent. This may, perhaps, be considered an anachronism but it takes a more considerate view of Price's speech than Geraint Jenkins<sup>2</sup> who brushes it off as 'less an expression of Welsh national sentiment than an exercise in xenophobia'. The latter cannot be denied but in what was an attack on all fronts upon King William's government in which 'nothing was left unsaid', this was a natural outburst. The significance of Price's speech can be measured when we consider its sequel in the successful assertion of Parliament's control over forfeited Irish estates, and the drive towards economy by army disbandment measures in which Robert Price again figured prominently. His attacks were directed against men as well as measures and his plain-speaking drew upon himself the wrath of the Junto.

Robert Price was not oblivious of bi-partisan politics in terms of Whig v Tory. In one letter to Beaufort he reflected upon the sea-change which had come over politics in his time when once 'sturdy patriots' who had supported the Duke of York's exclusion from the throne had turned courtiers, whilst erstwhile supporters of the royal prerogative, divine right even, had become a



Country opposition. In this fluid state of politics, Price's Toryism had stood like a rock.

Robert Price was an MP for twelve years, a judge for over thirty. Though by 1701 when he was appointed a Welsh judge, the distance between the judiciary and the executive had widened, in an age of instability the government was aware of the dangers of the outbreak of violence and the judges riding their circuits were the best sensors available to it to sound out popular opinion. In Queen Anne's reign with Harley in office for much of the time, Price was happy to fill the role of intermediary between government and people. Considering the interest which historians have shown in popular protest, apart from Jacobitism little interest has been focussed on the reigns of William and Anne. Yet it was a phenomenon which Price repeatedly encountered as a judge. As an MP he had presented the grievance of the men of Denbighshire before Parliament and even the 'leather mob' in his own county of Hereford had sought redress through their MPs. It was not always so. In the 'fanatick town' of Coventry political passions were inflamed by religious enthusiasm and Price considered his role as a judge to be that of peacemaker. Similarly, as one of a commission to investigate riots fomented by Jacobites among Bristol colliers, great care was taken to impress the impartiality of the inquiry. In the West Country, Price attributed the popular disaffection to the shortage of JPs to maintain the peace and proposed a remedy which he and Harley had been instrumental in procuring for Wales by enlarging the Commissions of the Peace. Whatever early leanings he might

have had towards Jacobitism, he recognised its potential as a disruptive force and when he was sent to Carlisle in 1718 to try Scottish insurgents in 'The Fifteen', he assured the Lord Chief Justice of the precautions taken to ensure an impartial jury. The description of him as 'an impartial judge' as well as 'an unbiased senator' in his obituary notice in The Gentleman's Magazine was not misjudged.

Considering the many tribulations he suffered throughout his life, Price bore them with manly resignation, drawing upon religion as his solace. Throughout his life he was regarded as a devout High-Churchman which also informed his political principles and conduct. He was not a 'high flyer', however, and in the passions kindled by the Occasional Conformity Bill in 1704 Robert Harley turned to him as a moderating influence and admitted him into his confidence about his policy. Typically, his friends among the bishops were moderate Churchmen like Humphreys and Otteley. In a practical way he espoused High Church causes like Queen Anne's Bounty which had the side-effect of extending Church patronage, of which Price amply availed himself. He was also a Commissioner for new churches and a patron of the SPCK's work in Wales in founding charity schools and publishing pious literature and Bibles in Welsh.

Ill-health dogged his last years as well as that of his family, resulting in the death of three granddaughters. He confessed to his friend, Miss Mary Myddelton his desire to retire to the life of a country gentleman at Foxley, but

that offered him little consolation with his son Uvedale away for long periods nursing a sick wife on the continent. This, probably more than his admitted love of money, caused him to carry on working to the end which came to him at Kensington on 2 February 1733, aged 79. The epitaph on the mural tablet raised to commemorate him in Yazor church where he was buried, was probably composed by himself and is characterised by modesty not mellifluous language.

The fame of Robert Price's speech lived long after him and it was later to be drawn upon for inspiration in a variety of causes. A St. Asaph clergyman was the likely publisher of a copy of the speech between 1730 and 1740 setting it in the context of the rebellion of Owain Glyndwr for the purpose of an attack on contemporary corruption identified with Sir Robert Walpole who was at the time trying to undermine the hegemony of Sir Watkin Williams Wynn in North Wales. Thomas Pennant reported it in his Tour of Wales as a defence of popular liberties. To further economic development in North-east Wales, a pamphleteer in 1806 called for an investigation into Crown lands to be put to popular use alluding to Price's speech. Repeated references to it, including Welsh translations, were made in periodicals in Wales during the nineteenth century. It was recognised as being of more than Welsh significance by its inclusion in the Somers Tracts in 1748 which was reissued by Sir Walter Scott in 1814. In his Curiosities of Literature, 1858, Isaac Disraeli hailed it as a document of constitutional importance.

Controversies surrounding Crown lands in Wales recalled Price's protest well into the nineteenth century. In 1775, when Lord North's government initiated an investigation into encroachments upon Crown lands in Wales, Lord Bulkeley organised 'a little parliamentary phalanx' of Welsh MPs on the pattern of 1696 to frustrate the government's efforts, and Edmund Burke had to abandon his 'economical reform' measures because 'they were not agreeable to the people of Wales'. In Radnorshire, where the Harleys had aspired to control over the lordship of Maelienydd, there were protests in 1822 over the way Crown lands were disposed of. In Cardiganshire, the purchase of Crown lands adjacent to his Hafod estate by the Duke of Newcastle, was the subject of a parliamentary inquiry while the efforts of an English speculator to carve an estate out of Crown land in the Mynydd Bach area provoked 'Rhyfel y Sais Bach' (the war of the little Englishman). The acquisition of extensive Crown lands in Denbighshire by the Wynns of Wynnstay in 1856 was openly criticised in the Land Commission Report in 1896, two hundred years after Price's triumph. The exploitation of the stewardship of Crown land had assisted the Wynns in establishing their hegemony in that part of the country, whilst in Radnorshire it was a factor which was continually exploited for political purposes. Unlike the Glamorgan experience described by Philip Jenkins, the defeat of the Portland grant served to confirm the existing social order in power and it was not to be seriously challenged till late nineteenth century.

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